

WAIVING CERTAIN EXCLUDING CLAUSES OF THE IMMI- GRATION AND NATIONALITY ACT IN BEHALF OF CER- TAIN ALIENS

FEBRUARY 1, 1956.—Committed to the Committee of the Whole House and
ordered to be printed

Mr. FEIGHAN, from the Committee on the Judiciary, submitted the
following

R E P O R T

[To accompany S. 315]

The Committee on the Judiciary, to whom was referred the bill (S. 315) for the relief of Asher Ezrachi, having considered the same, report favorably thereon with amendments and recommend that the bill do pass.

The amendments are as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That notwithstanding the provisions of section 212 (a) (9) and (19) of the Immigration and Nationality Act, Asher Ezrachi and Ralph Piccolo (Raffaele Piccolo), may be admitted to the United States for permanent residence if they are found to be otherwise admissible under the provisions of such Act: *Provided*, That these exemptions shall apply only to grounds for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

SEC. 2. Notwithstanding the provisions of section 212 (a) (1) and (4) of the Immigration and Nationality Act, Bart Krijger may be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of such Act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act: *Provided further*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

SEC. 3. Notwithstanding the provisions of section 212 (a) (9) and (12) of the Immigration and Nationality Act, Anna Jerman Bonito and Esteni Rodriguez Estopinan de Witlicki may be admitted to the United States for permanent residence if they are found to be otherwise admissible under the provisions of that Act: *Provided*, That these exemptions shall apply only to grounds for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

SEC. 4. Notwithstanding the provision of section (6) of the Immigration and Nationality Act, Ivan Gerasko may be admitted to the United States for permanent residence, if he is found to be otherwise admissible under the provisions of

such Act, under such conditions and controls which the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

SEC. 5. Notwithstanding the provision of section 212 (a) (9) of the Immigration and Nationality Act, Jose Alvarez, Hildegard Kropfitch Pelloski, George Roland Lavoie, Katharine Lajimodiere (nee Schneeberger), Luigi Cardone, Ingeburg Edith Stallings (nee Nitzki), and Hilde Schiller, may be admitted to the United States for permanent residence if they are found to be otherwise admissible under the provisions of such Act: *Provided*, That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to the enactment of this Act.

Amend the title so as to read:

A bill to waive certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens.

PURPOSE OF THE BILL

The purpose of this bill, as amended, is to waive certain excluding clauses of section 212 (a) of the Immigration and Nationality Act, in behalf of relatives of United States citizens or lawfully resident aliens.

The committee desiring to lighten the burden of the Chief Executive and to shorten the time required for the consideration of Private Calendars on the floor of the House, has decided to include the names of several beneficiaries of pending private bills in one bill, after having considered each of the cases on their individual merits and having acquainted themselves with all the facts pertinent to each case.

GENERAL INFORMATION

Section 1 of the bill waives the provisions of subsections (9) and (19) of the Immigration and Nationality Act, concerning the inadmissibility of aliens who have committed crimes involving moral turpitude and of aliens who have endeavored to enter the United States by withholding material facts in their efforts to secure visas, respectively, in behalf of two persons who were the subjects of individual bills, as follows:

S. 315, by Senator Dirksen—Asher Ezrachi.

S. 360, by Senator Duff—Ralph Piccolo (Raffaele Piccolo).

As passed by the Senate, S. 360 was designed to grant permanent residence in the United States to Ralph Piccolo. However, the committee is of the opinion that the excluding clauses in this case should be waived, thus placing Mr. Piccolo in a position to depart from the United States and reenter with a visa for permanent residence.

Section 2 waives the excluding provisions of existing law relating to one who is feeble-minded and is mentally defective, in behalf of the son of lawful resident aliens of the United States. The beneficiary of this section was the subject of S. 366, by Senator Millikin.

Section 3 waives the excluding provisions of existing law relating to the commission of crimes involving moral turpitude and relating to persons who have engaged in prostitution, in behalf of two wives of United States citizens. These beneficiaries were the subjects of S. 1299, by Senator Bush, and S. 1348, by Senator Lehman.

Section 4 waives the excluding provision of existing law relating to one who is afflicted with tuberculosis, in behalf of the husband

of a legal resident alien of the United States. That section also provides for the posting of a bond as a guaranty that the beneficiary will not become a public charge. The beneficiary of this section was the subject of S. 2053, by Senator Morse.

Section 5 waives the provisions of section 212 (a) (9) of the Immigration and Nationality Act, concerning the inadmissibility of aliens who have committed crimes involving moral turpitude in behalf of seven spouses of United States citizens or resident aliens. They were the subjects of individual bills, as follows:

S. 421, by Senator Smathers.

S. 607, by Senator Potter.

S. 753, by Senator Smith of Maine.

S. 1118, by Senator Langer.

S. 1218, by Senator Dirksen.

S. 1357, by Senator George.

S. 1615, by Senator Lehman.

A brief discussion of each case included in the instant bill, with reports from the departments of the administration, and such additional information as was obtained by the committee, appears below.

Asher Ezrachi—S. 315, by Senator Dirksen (H. R. 4252, by Mr. O'Hara of Illinois.)

The beneficiary of the bill is a 42-year-old native of Poland and citizen of Israel who entered the United States as a visitor August 29, 1950. At the time he obtained his visitor's visa, he made fraudulent statements concerning his marital status on the advice of a tourist agent to facilitate the issuance of the visa. The year following his arrival in the United States he married a native-born citizen of the United States and they now reside in Chicago, Ill. The beneficiary has two sisters, a brother, and a number of aunts and uncles residing in the United States.

The alien has been granted the privilege of voluntary departure and preexamination; but without the waivers provided for in the bill, he will be unable to avail himself of that administrative remedy for adjustment of his immigration status because he will be ineligible for a nonquota immigrant visa. His citizen wife resides in this country and is under constant medical care.

A letter, with attached memorandum, dated May 6, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the case reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., May 6, 1955.

HON. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 315) for the relief of Asher Ezrachi, there is attached a memorandum of information concerning the beneficiary which has been prepared from the files of the Immigration and Naturalization Service.

The bill would permit the beneficiary to be admitted to the United States, notwithstanding the provisions of section 212 (a) (19) of the Immigration and Nationality Act which excludes from admission into the United States aliens who have procured a visa by fraud or by willfully misrepresenting a material fact. It should be noted that the beneficiary may also require a waiver of the provision of

section 212 (a) (9) of the Immigration and Nationality Act, as an alien who admits the commission of a crime involving moral turpitude—perjury.

As the husband of a United States citizen, the beneficiary is entitled to nonquota status in the issuance of an immigrant visa.

Sincerely,

_____, Commissioner.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION
SERVICE FILES RE ASHER EZRACHI, BENEFICIARY OF S. 315

Asher Ezrachi, also known as Osher Mieszczanin, was born in Drohiczyn, Poland, May 4, 1913.

Mr. Ezrachi married a native-born citizen of the United States at Chicago, Ill., September 3, 1951. They reside at 5220 South Harper Avenue, Chicago, Ill. Mr. Ezrachi completed about 7 years' grammar school in Poland. He started to learn carpentry in Poland and is now employed as a carpenter at a salary of \$128 per week. He has a savings account of \$1,300 and other assets valued at \$1,500. His wife has \$1,000 in United States savings bonds.

The beneficiary has two sisters, a brother, and a number of aunts and uncles, residing in the United States.

Mr. Ezrachi entered the United States as a temporary visitor August 29, 1950. He was granted extensions of stay to November 8, 1951. As he failed to maintain his visitor's status, deportation proceedings were instituted against him. He has been found deportable and has been granted the privilege of departing voluntarily from the United States.

A petition for the issuance of a nonquota immigrant visa, filed in his behalf by his wife, has been approved. However, the Department of State indicates his application for a visa would be denied as he made a false statement concerning his marital status in applying for his nonimmigrant visa on July 18, 1950. Mr. Ezrachi states that he made the false statement on the advice of a tourist agent to facilitate the issuance of the visa.

Mr. Ezrachi was a member of the Israelian Army from May 15, 1948, to May 15, 1949.

Senator Everett McKinley Dirksen, the author of the bill, has submitted a number of letters and documents in support of the bill, among which are the following:

LAW OFFICES,
SLATTERY & GUTHMAN,
Washington, D. C., January 5, 1955.

In re Asher Ezrachi

HON. EVERETT M. DIRKSEN,
United States Senate,
Washington, D. C.

DEAR SENATOR DIRKSEN: Your kind assistance in behalf of Asher Ezrachi, of 5220 South Harper Street, Chicago, Ill., in the matter of his immigration status difficulties, will be greatly appreciated.

Mr. Ezrachi was born in Poland approximately 42 years ago. About 21 years ago, Mr. Ezrachi left Poland for Israel. He resided in Israel up to the time of his departure for the United States in August of 1950. He arrived in the United States, at New York, N. Y., on August 29, 1950, as a visitor for pleasure under section 3 (2) of the Immigration Act of 1924.

The record will evidence that Mr. Ezrachi came to the United States (August 29, 1950) to visit relatives and to stay for several months, and thereafter to return to Israel. However, during his stay in the United States, Mr. Ezrachi, on or about May of 1951, met Estelle Robbin, an American-born young lady, and they were married on September 3, 1951. There are no children born of the marriage of Mr. and Mrs. Asher Ezrachi.

When Mr. Ezrachi applied for a visitor's visa at the American consulate in Tel Aviv, Israel, on July 18, 1950, he stated he was married, when in fact he was single, and among the documents submitted by him in support of his application was a letter from an alleged wife consenting to his visiting the United States.

Mr. Ezrachi testified that he had submitted the said incorrect statement as to his marital status to the American consulate, Tel Aviv, Israel, at the suggestion of a travel agent in Israel, who told him that the American consulate would not issue a visitor's visa to him if he (Asher Ezrachi) told him that he was single. Mr. Ezrachi testified also before the special inquiry officer of the United States

Immigration and Naturalization Service that the travel agent prepared the letter from his alleged Israel wife which was submitted to the American consulate at Tel Aviv, Israel.

After a hearing herein before the Board of Immigration Appeals, United States Department of Justice, that body ruled that prior to his marriage to the aforementioned Estelle Robbins on September 3, 1951, Asher Ezrachi had never previously been married.

As regard the sequence of events in the instant case proper: preexamination was approved by the Immigration and Naturalization Service. Thereafter, a visa petition in behalf of her husband was filed by Estelle Ezrachi, wife of the alien, Asher Ezrachi. This petition was approved, thus granting the said Asher Ezrachi a nonquota status as the spouse of an American citizen. However, under date of October 28, 1954, the American consulate, Windsor, Ontario, Canada, issued a ruling that the incorrect statement of Asher Ezrachi regarding his marital status, made in his application for a nonimmigrant visa at the American consulate, Tel Aviv, Israel, constituted a willful misrepresentation of a material fact, and that consequently under the provisions of section 212 (a) (19) of the Immigration and Nationality Act, it (the American consulate) found that Mr. Ezrachi was ineligible to receive a visa. Accordingly, the Department of State has refused to rule favorably in behalf of my client.

As part of the findings of the special inquiry officer of the United States Immigration and Naturalization Service, dated July 8, 1954, the following was noted: * * * Accordingly, it is concluded that the misrepresentation as to his (Mr. Ezrachi's) marital status was not material and did not invalidate his visa * * *."

In addition to the above, the findings of the special inquiry officer included the following: "It is ordered, that the alien be granted voluntary departure at his own expense, in lieu of deportation, within such period of time * * * as the district director * * * shall direct. The additional privilege of preexamination is also authorized."

Section 103 (a) of the Immigration and Nationality Act of 1952, Public Law 414, 62d Congress, provides in part as follows:

"The Attorney General shall be charged with the administration and enforcement of this Act and all other laws relating to the immigration and naturalization of aliens, except insofar as this Act or such laws relate to the powers, functions, and duties conferred upon the President, the Secretary of State, the officers of the Department of State, or diplomatic or consular officers: *Provided, however,* That determination and ruling by the Attorney General with respect to all questions of law shall be controlling."

Since the Immigration and Naturalization Service, through its authorized officer, acting under proper and empowered delegated authority, has ruled that the alleged misrepresentation made by Asher Ezrachi was not material, and further, since this ruling relates to a matter of law, it is our contention that the Department of State and its consular officers, pursuant to the Nationality Act of 1952 must also find that as a matter of law the said alleged misrepresentation of the alien was not material. In other words, it is our position that the legal ruling of the Immigration and Naturalization Service of July 8, 1954, hereinabove noted, is binding not only on the Immigration and Naturalization Service, Department of Justice, but on the consular officers as well.

In further support of this argument, we respectfully direct your attention to the following cases: *U. S. ex rel. Trinter v. Carusi* (166 Fed. (2d) 457); *U. S. ex rel. Katnic v. Reimer* (25 Fed. Supp. 925); *United States of America ex rel. Joseph Accardi, petitioner v. Edward J. Shaughnessy, District Director* (347 U. S. 260).

And as is clearly set forth in section 101 (b) (4) of Public Law 414 of the 82d Congress, a "special inquiry officer" of the Immigration and Naturalization Service of the Department of Justice" * * * is designated and selected by the Attorney General * * * to conduct such proceeding * * * and shall perform such duties, not inconsistent with this act, as the Attorney General shall prescribe."

It is thus evident that the special inquiry officers and the members of the Board of Immigration Appeals of the Department of justice perform their prescribed duties under a mandate of the Attorney General of the United States. And so, when they rule in a given case, it is as though the Attorney General of the United States has ruled in the said case. Thus, in the instant case of Asher Ezrachi, we contend that the ruling made in his favor by the special inquiry officer is tantamount to the ruling made by the Attorney General of the United States in his favor. And as such, the said ruling is binding not only on the Immigration and Naturalization Service of the Department of Justice but on the Department of State and its consular officers as well.

year. She has been repeatedly skin tested and found sensitive to many inhalants as well as ingestant factors. These include ragweed, grass pollen, tree pollen, mixed fungi, beans, spinach, cabbage, tomato, barley, pork, turkey, apple, orange, lobster, codfish, salmon, and whitefish.

She has been under constant hyposensitization treatment for the past 5 years despite which she suffers frequent acute episodes of severe bronchial asthma and pollinosis. She is physically unable to hold a position because of the severity of her allergic state. Because of the intensity of the allergic illness, and the frequency of her spells, she is oftentimes forced to remain in bed at home, requiring nursing attention on these occasions.

Respectfully yours,

A. L. AARONSON, M. D.,

*Assistant Professor of Medicine, the Chicago Medical School;
Chief, Allergy Clinic, Mount Sinai Hospital of Chicago.*

DEPARTMENT OF STATE,
Washington, February 10, 1955.

HON. EVERETT MCKINLEY DIRKSEN,
United States Senate.

DEAR SENATOR DIRKSEN: I refer to your letter of January 19, 1955, and its enclosures, addressed to Mr. Coulter, concerning the case of Mr. Asher Ezrachi, who has applied for an immigrant visa at the American consulate at Windsor, Ontario, Canada.

It is the Department's opinion that the American consular officer at Windsor would be warranted in finding Mr. Ezrachi ineligible to receive a visa under section 212 (a) (19) of the Immigration and Nationality Act on the ground that the false statement relative to his marital status, which Mr. Ezrachi made in his application for a nonimmigrant visa at the American Embassy at Tel Aviv in 1950, constituted a willful misrepresentation of a material fact.

The Department has also concluded that a ruling of a special inquiry officer of the Immigration and Naturalization Service is not a ruling by the Attorney General within the meaning of section 103 (a) of the Immigration and Nationality Act. In this connection, the Board of Immigration Appeals in a decision released December 30, 1954, summarized in the United States Law Week for January 11, 1955 (23 Law Week 2332), held that the decision of a special inquiry officer that a certain misrepresentation was not material was not a decision of the Attorney General within the meaning of section 103 (a) of the Immigration and Nationality Act.

The arguments set forth by Mr. Seymour S. Guthman in his letter to you of January 5, 1955, were duly considered by the Department in reaching the above-stated opinion.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office.

*Ralph Piccolo (Raffaele Piccolo)—S. 360, by Mr. Duff (H. R. 5125,
by Mr. Kelley of Pennsylvania)*

The beneficiary of the bill is a 53-year-old native of Italy who entered the United States at New York, N. Y., on February 14, 1927, for permanent residence with a fraudulent passport which he obtained under another name, at which time he claimed he was a native of Brazil. The beneficiary was married to a United States citizen on July 8, 1928, and they have 3 United States citizen children, 2 of whom have served in the United States Armed Forces, and the third is about to be inducted. The beneficiary is a tailor by trade and his wife and two youngest children are dependent upon him for support.

A letter, with attached memorandum, dated April 18, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., April 18, 1955.

HON. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 360, 84th Cong.) for the relief of Raffaele Piccolo, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Pittsburgh, Pa., office of this Service which has custody of those files.

The bill would grant the beneficiary permanent residence in the United States upon payment of the required visa fee. It appears that the bill is intended to grant permanent residence in the United States notwithstanding the fact that he has been found subject to deportation on the grounds that he procured a visa through fraud and admits the commission of a crime involving moral turpitude prior to entry.

Sincerely,

_____, Commissioner.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION
SERVICE FILES CONCERNING RAFFAELE PICCOLO, BENEFICIARY OF S. 360

Raffaele Piccolo, who has also been known as Ezio Aldo-Ugo Calzia, was born at Scigliano, Cosenza, Italy, on March 1, 1902. He entered the United States at New York, N. Y., on February 14, 1927, for permanent residence. In 1950, deportation proceedings were instituted on the grounds that he had procured his visa through fraud and misrepresentation by representing himself to the American consul under another name as a person of Brazilian nationality, and because he admitted the commission of a crime involving moral turpitude prior to entry, to wit: perjury, in connection with his visa application.

On August 29, 1952, the Board of Immigration Appeals authorized preexamination and waived grounds of inadmissibility provided he procured a visa and was readmitted within 90 days. He was unable to obtain a visa within the specified time and was subsequently not eligible to be readmitted to the United States after the effective date of the Immigration and Nationality Act on December 24, 1952. A warrant of deportation is outstanding in his case.

On September 24, 1937, the beneficiary was convicted on his plea of guilty in the Allegheny County Court, Pittsburgh, Pa., of larceny and was given a suspended sentence and placed on probation for 1 year. He has no other known criminal record.

The beneficiary was married to a United States citizen at Cumberland, Md., on July 8, 1928. He has 3 American-born children, the youngest of whom is 19 years of age. His wife and the two youngest children are dependent upon him for support. He is a tailor by trade and owns his own home and place of business which are valued at \$14,000. His income is approximately \$3,600 per year.

Senator James H. Duff, the author of the bill, has submitted the following letter in support of the bill:

PUGLIESE, TROIANO & PUGLIESE,
ATTORNEYS AT LAW,
Pittsburgh, November 19, 1954.

Re Private Bill, Ralph Piccolo, In Deportation Proceedings

Senator JAMES H. DUFF,
Senate Office Building, Washington, D. C.

DEAR SENATOR DUFF: The following is a summary of pertinent facts regarding Raffaele, or Ralph Piccolo, or Ezio-Aldo-Ugo Calzia, for the purpose of preparing a private bill for suspension of deportation. At the present time he comes within the purview of section 212 (a) (19) of the Immigration and Nationality Act of 1952 and therefore no administrative remedy or relief is available to him.

The respondent, a 53-year-old native and citizen of Italy, last entered the United States at New York on February 14, 1927. At that time he was admitted for permanent residence as a nonquota immigrant. He obtained the nonquota status visa by presenting a Brazilian passport, birth certificate of one Ezio-Aldo-Ugo Calzia, a native and citizen of Brazil. In applying for the nonquota immigra-

tion visa in 1927, he presented himself to the American consul under another name and as a person of Brazilian nativity and nationality.

Mr. Piccolo voluntarily presented himself to the Immigration and Naturalization Office at Pittsburgh, Pa., on or about June 1, 1950. He was alone and was not represented by counsel. He personally admitted the manner of his entry into the United States and since all statements concerning name, identity, birth, and citizenship are always considered material to an alien's admission, it was held that he committed perjury in 1927 as above described.

Raffaele, or Ralph Piccolo, at the present time resides in Greensburg, Pa. He owns his own property and conducts a tailoring business at 135 East Pittsburgh Street. On June 8, 1929, he married a citizen of the United States. As a result of that marriage they have 3 United States citizen children, 2 of whom have served honorably in this country's Armed Forces and the other is about to leave for the armed services. The wife of the respondent has filed a visa petition in his behalf on April 1, 1952. The respondent has a long residence in this country of 27 years. He has close and dependent family ties in this country; a wife and three citizen children. He has an excellent record. He has never been outside of this country since his illegal entry and during his entire stay for the past 27 years he has led a quiet, law-abiding, and useful life.

Prior to the passage of the McCarran Act, on August 29, 1952, the Board of Immigration Appeals decreed that the facts of the respondent were exceptionally meritorious and authorized preexamination and voluntary departure. Immediately after the order granting the relief, arrangements were made with the American consul at Niagara Falls, Canada. On October 13, 1952, the Immigration and Naturalization Office at Pittsburgh notified the respondent by letter of the ruling of the Board of Immigration Appeals and told him to write to the American consul in Canada for instructions. On November 3, 1952, the Office of the United States consulate at Niagara Falls, Canada, notified Mr. Piccolo that inasmuch as his case could not be processed on or by December 23, 1952 (date of the passage of the McCarran Act), his application was being suspended. The immigration office at Pittsburgh was notified of this fact. All parties concerned were of the opinion at that time that Mr. Piccolo was entitled to relief under section 244 (a) (5) of the McCarran Act, and accordingly with the consent of the Pittsburgh office, a petition was directed to the Immigration Court of Appeals praying that the Board admit him for permanent residence under section 244 (a) (5) aforesaid.

On February 10, 1954, the Board of Immigration Appeals denied the petition to suspend deportation and withdrew their order of voluntary departure and preexamination. They alleged in substance that the matter was for legislative consideration and not for administrative action. The ground for exclusion under section 212 (a) (19) of the present law bars any alien and therefore the relief originally granted is rendered ineffective.

If the authorities were to carry out the law as interpreted, the respondent's family would be separated and would give rise to unfair standards of exclusion, and deportation would further make immoral distinctions among men. I pray, therefore, that you present a private bill for the relief of Raffaele, or Ralph Piccolo, for his case is meritorious. There is no administrative remedy available to him. The Board of Immigration Appeals is not vested with authority to alleviate Mr. Piccolo's situation. It has conceded that there are appealing and moving factors in his case and because of the conceded meritorious factors they would like to help him but they cannot. One of the members of the Board suggested that a private bill should be instituted. He also stated that no doubt Congress would implement section 219 (a) (19) of the Immigration Act of 1952, which is highly strained and harsh in its interpretation.

Respectfully yours,

ANTHONY C. TROIANO.

Bart Krijger—S. 366, by Senator Milliken

The beneficiary of the bill is a 9-year-old native and citizen of Holland whose parents and 8 brothers and sisters have been admitted to the United States for permanent residence. He was found to be inadmissible because of a mild case of Mongolism and has been living in Holland with friends. Both parents are medical doctors and are employed at a sanatorium in Colorado. They have the financial means to insure that the beneficiary will never become a public charge.

A letter, with attached memorandum, dated September 7, 1954, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to S. 3751 which was a bill pending in the 83d Congress for the relief of the same alien reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
OFFICE OF THE COMMISSIONER,
Washington, D. C., September 7, 1954.

Hon. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 3751) for the relief of Bart Kryger, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the El Paso, Tex., office of this Service, which has custody of those files. According to the records of this Service, and the beneficiary's parents, the correct name of the beneficiary is Bart Krijger.

The bill would waive the provisions of the Immigration and Nationality Act which exclude from admission into the United States aliens who are feeble-minded and mentally defective, and would grant the alien permanent residence if he is found to be otherwise admissible. However, the bill does not limit this exemption to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of the act.

Sincerely,

_____, Commissioner.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION
SERVICE FILES RE BART KRIJGER, BENEFICIARY OF S. 3751

Information concerning the case was obtained from Pieter A. Krijger and Anna E. Krijger, the 8-year-old beneficiary's parents, who reside at 2585 South Marion Street, Denver, Colo. Mr. and Mrs. Krijger and six of their children were admitted to the United States for permanent residence on May 24, 1954. Two other children were admitted for permanent residence on July 19, 1954. Mr. Krijger and all of his children were born in the Netherlands and are citizens of the Netherlands. According to the parents, the beneficiary was denied a visa for admission to the United States because he was excludable under the immigration laws as a mental defective.

Mr. and Mrs. Krijger stated the child is a mild case of Mongolism and is mentally retarded. They asserted that he is not a true Mongoloid. According to his parents, he is residing with a friend of his former schoolteacher, Mrs. Barthel, at Anna Van Burenlaan 45, Haarlem Z, Netherlands. His parents stated that he is in the second grade of school, and if permitted to enter the United States, he will attend Denver public school for retarded children.

Mr. and Mrs. Krijger are interns at the Porter Sanitarium and Hospital, 2525 South Downing Street, Denver, Colo. They receive a salary of \$37.50 per week each and \$15 per week for both as rental allowance. Mr. Krijger alleges that he receives the equivalent of \$1,200 per year as a military pension from the Netherlands Government and will continue to receive it as long as he is a citizen of the Netherlands. The home occupied by Mr. and Mrs. Krijger and their eight children is owned by Porter Sanitarium and Hospital. They pay \$88 every 4 weeks for rent and utilities. According to hospital officials at Porter Sanitarium and Hospital, Mr. and Mrs. Krijger will be resident physicians at the hospital after completing a 1-year internship.

The committee may wish to communicate with the Bureau of Security and Consular Affairs of the Department of State in order to obtain further information concerning the beneficiary.

Former Senator Edwin C. Johnson, the author of S. 3751, submitted the following letters in support of the bill:

PORTER SANITARIUM AND HOSPITAL,
Denver, Colo., July 23, 1954.

SENATOR EDWIN C. JOHNSON,
Senate Office Building,
Washington, D. C.

MY DEAR SENATOR JOHNSON: Regarding Dr. P. A. M. Krijger and Dr. Anne E. Krijger will say that recently these two good folk came to this hospital from Holland and are employed here under appointments of 2 years each. They are serving in the capacity of interns. Both are established physicians in Holland and are serving here on an intern basis until such time as they can establish citizenship and apply for licenses to practice medicine.

They have one child in Holland for whom permit has not yet been obtained to come to the United States. I understand they are enlisting your aid in this. I can verify both their permanent employment here and their responsibility. Any assistance you can give them will be appreciated.

I have appreciated your thoughtfulness in keeping me informed on the health legislation that has been before the Congress, and I thank you for courtesies extended in this matter.

Cordially yours,

H. E. RICE, *Manager.*

CATRON CLINIC,
Englewood, Colo., July 17, 1954.

Senator ED. JOHNSON,
Washington, D. C.

DEAR SENATOR: I would like first to take this opportunity to thank you for the help you have given me in the past.

I am now writing you in regard to a man and wife, both of whom are qualified M. D.'s who graduated in Holland and are now taking a retraining period at the Porter Hospital and Sanitarium in Denver as internes in order to qualify them for practice here in the United States. Their names are Peter A. M. Krÿger and Annie E. Krÿger. These two have 8 or 9 children whom they have received permission to bring into the United States. One of these has been refused admission on the basis that he is a mongol. His name is Bart, 8 years of age. I would like to ask your help in seeing what can be done to ease the way and try to have this boy admitted to the United States. Since the mother and father are both M. D.'s and expect to practice medicine here it highly unlikely that this child should ever become a ward of the State. I can highly recommend both these people as I know them and at the present time working with them there at the hospital.

Sincerely yours,

JAMES F. MEZEN, M. D.

[Translation]

HAARLEM, March 26, 1954.

Having learned that Dr. P. A. M. Krijger (living at Overveen, Militairenweg 18) is allowed to emigrate with his family, with the exception of his little son Bart, I—as head of the Dr. A. van Voorthuissenschool—cannot abstain from expressing my thoughts about this.

I have always ascertained that there exists a solid tie of love and dedication in this family and now I ask myself: "What purpose does this separation serve?" "Why must Bart do without parental love?" "And why must the parents live on with the sorrow that their child is suffering this deprivation?" No institution, however well managed, can fill this gap. The joy of life will be very much tempered both for parents and child. Is this conducive to the working power of either?

Besides I have been able to ascertain such progress with Bart at school that it justifies the expectation that the little chap will be able to perform productive work later on.

Therefore, I have come to the conclusion that not the tearing asunder of this family, but on the contrary their staying together is the only right way.

THE HEAD OF THE DR. A. VAN VOORTHUISSENSCHOOL.
G. BOAR.

Senator Eugene D. Millikin, the author of the instant bill, submitted the following letter in connection with the case:

UNITED STATES SENATE,
COMMITTEE ON FINANCE,
March 11, 1955.

HON. HARLEY M. KILGORE,
*Chairman, Senate Judiciary Committee,
United States Senate, Washington, D. C.*

DEAR SENATOR: On January 14, 1955, S. 366, a private bill for the relief of Bart Krijger was introduced jointly by myself and Senator Allott. Senator Johnson of Colorado introduced S. 3751 during the 83d Congress for the same beneficiary.

The beneficiary of this bill is an 8-year-old boy who was born in the Netherlands. His parents, Peter A. Krijger and Ann Krijger are citizens of the Netherlands. Mr. and Mrs. Krijger are the parents of 8 other children, 6 of whom were admitted to the United States for permanent residence on May 24, 1954. Two other children were admitted for permanent residence on July 19, 1954. According to my information, the child is mentally retarded to a slight degree suffering from a mild case of mongolism. He is presently attending school in the Netherlands.

I wish to point out to the committee that both parents of this child are medical doctors who formerly practiced medicine in Holland for approximately 19 years. They are presently serving as interns at the Porter Sanitarium and Hospital in Denver, Colo. Their present contract expires in June 1955. At the present time, Dr. Krijger reportedly receives approximately \$1,200 each year as a military pension from the Netherlands Government. He also receives a salary and rental allowance from the hospital. I have been informed that there is no possibility of the beneficiary becoming a public charge because both parents are professional people who appear to have an excellent background and who will be able to pursue their profession in the United States. I have been advised that hospital officials expect to continue the parents on their staff as resident physicians at the hospital after they complete their internship.

The present situation creates a hardship on the family. It is difficult at best to maintain a large family and even more so when one member is separated from the others. European families are known for their strong ties to each other and I am certain that being separated from their son has caused Dr. and Mrs. Krijger considerable difficulty. In the event that the beneficiary of this legislation is permitted to enter the United States, I understand he will attend a public school for retarded children in Denver, Colo. I have recently been advised by letter under date of March 10, 1955, that Peter and Anna Krijger have filed their applications for first citizenship papers.

I wish to request that this matter be presented to your committee at an early date. I hope that it will be given favorable consideration.

With very best regards, I am,
Sincerely,

EUGENE D. MILLIKIN.

*Esteri Rodriguez Estopinan de Witlicki—S. 1299, by Senator Bush
(H. R. 3535, by Mr. Sadlak)*

The beneficiary of the bill is a 22-year-old native and citizen of Cuba, who was married on September 18, 1953, in Havana to a United States citizen. She has a child born out of wedlock who is 2 years old. The beneficiary's husband attempted to adopt the child, but was unable to do so because Cuban law provides that an adoptive parent must be a resident of Cuba. The beneficiary's husband is employed as a marine engineer on merchant vessels of the United Fruit Co., and sends his wife \$150 a month for her support. Without the waiver provided for in the bill, she will be unable to join her husband in the United States.

A letter, with attached memorandum, dated July 8, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., July 8, 1955.

Hon. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington 25, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 1299) for the relief of Mrs. Esteni Rodriguez Estopinan de Witlicki, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Hartford, Conn., office of this Service which has custody of those files.

The bill would provide that notwithstanding the provisions of section 212 (a) (12) of the Immigration and Nationality Act, the alien may be admitted to the United States for permanent residence if she is found to be otherwise admissible under the act. It would further provide that this exemption shall apply only to a ground for exclusion of which the Secretary of State or the Attorney General have knowledge prior to enactment.

Sincerely,

_____, Commissioner.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION
SERVICE FILES RE MRS. ESTENI RODRIGUEZ ESTOPINAN DE WITLICKI, BENEFICIARY OF S. 1299

Information concerning the beneficiary who has never been in the United States was furnished by the sponsor husband, John Stanley Witlicki, a United States citizen, who resides at Bristol, Conn.

Mrs. Esteni Rodriguez Estopinan de Witlicki, nee Estopinan, is a native and citizen of Cuba, who was born on August 21, 1932, in Maisi, Sabana de Baracoa, Cuba. She was married on September 18, 1953, in Habana, to John Stanley Witlicki. The beneficiary has a child, Carmen Luisa, who was born out of wedlock in Santiago on December 12, 1952. Mrs. de Witlicki, who resides with her mother, is unemployed and supported by her husband. She attended elementary school for 5 years and is a skilled seamstress. The beneficiary's mother, two sisters, and a brother reside in Cuba.

Mr. Witlicki, the sponsor, was born on October 24, 1925, in Bristol, Conn. His only marriage was to the beneficiary. He is employed as a marine engineer on merchant vessels of the United Fruit Co. at a salary of \$150 a week. His assets consist of about \$1,300 in cash, clothing and other personal effects valued at \$1,400, an automobile worth \$200, and he owns jointly with his mother a house valued at \$10,000. He sends his wife \$150 a month for her support. Mr. Witlicki completed grammar school and 1 year of high school. His mother, 3 brothers, and 2 sisters live in Connecticut. He was awarded a certificate by the War Shipping Administration for continuous maritime service from October 26, 1943, to July 15, 1946. After his marriage, he attempted to adopt the beneficiary's daughter, but was unable to do so because Cuban law provides an adoptive parent be a resident of Cuba.

A visa petition submitted by the sponsor for the beneficiary was approved on April 22, 1954; however, Mr. Witlicki states that his wife was refused an immigrant visa by the American consul at Habana. Mrs. de Witlicki is also the beneficiary of H. R. 3535, 84th Congress.

A letter dated February 25, 1955 to Senator Bush from the Director, Visa Office, United States Department of State, reads as follows:

DEPARTMENT OF STATE,
Washington, February 25, 1955.

Hon. PRESCOTT BUSH,
United States Senate.

DEAR SENATOR BUSH: I refer to your letter of February 3, 1955, transmitting the enclosed communication from Mr. John S. Witlicki, Maple Avenue, Bristol, Conn., concerning his desire to bring his wife, Mrs. Esteni Rodriguez Estopinan de Witlicki, to the United States from Cuba. Reference is also made to the interim telephonic acknowledgment of your letter on February 7, 1955.

According to information received from the American Embassy at Habana, Mrs. Witlicki, after careful and sympathetic consideration had been given to her

case, was found to be ineligible to receive a visa under the provisions of section 212 (a) (12) of the Immigration and Nationality Act. Under the circumstances I am unfortunately not in a position to suggest any administrative action which may be taken looking to the alien's admission into the United States for permanent residence.

On the basis of the information contained in the files of this Office at the present time, the Department would not react unfavorably to a committee request for an expression of opinion regarding the enactment of a private bill for the relief of Mrs. Witlicki.

Sincerely yours,

ROLLAND WELCH,
Director, Visa Office.

Senator Prescott Bush, the author of the bill, submitted the following letter in connection with the case:

UNITED STATES SENATE,
COMMITTEE ON BANKING AND CURRENCY,
March 5, 1955.

HON. HARLEY M. KILGORE,
*Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.*

DEAR SENATOR KILGORE: On yesterday I introduced in the Senate, S. 1299, for the relief of Mrs. Esteni Rodriguez Estopinan de Witlicki, copy of which is attached for your ready reference.

For the consideration of yourself and your committee, I hand you also letter which I received from Mr. Witlicki, in which he requests that I help him, and a letter from the Director of the Visa Office of the Department of State, which indicates that the Department would not react unfavorably to a committee request for an expression of opinion on such legislation.

I hope your committee will give early consideration to this measure, and I would appreciate being kept advised of its progress.

Thanking you, I am

Sincerely yours,

PRESCOTT BUSH,
United States Senator.

Anna Jerman Bonito—S. 1348, by Senator Lehman

The beneficiary of the bill is a 31-year-old native and citizen of Italy who has never been in the United States. She was married to a United States citizen member of our Armed Forces in Trieste in 1953. They have no children. She is a housekeeper in Trieste, Italy, where she has been employed since 1945. She has been denied a visa to enter the United States because she was registered as a prostitute between 1946 and 1948. Without the waiver provided for in the bill, she will be unable to join her husband here in the United States.

A letter, with attached memorandum, dated July 8, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
OFFICE OF THE COMMISSIONER,
Washington, D. C., July 8, 1955.

HON. HARLEY M. KILGORE,
*Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.*

DEAR SENATOR: In response to your request for a report relative to the bill (S. 1348) for the relief of Anna Jerman Bonito, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Norfolk, Va., office of this Service, which has custody of those files.

The bill would waive the provisions of section 212 (a) (9) and (12) of the Immigration and Nationality Act which exclude from admission into the United States aliens who have been convicted of a crime involving moral turpitude and aliens who are or have been prostitutes. This would permit the beneficiary to be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that act. The bill also provides this exemption shall apply only to grounds for exclusion under such paragraphs known to the Secretary of State or the Attorney General prior to the date of enactment of this act.

As the spouse of a citizen of the United States, the beneficiary is eligible for nonquota status in the issuance of an immigrant visa.

Sincerely,

_____, Commissioner.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION
SERVICE FILES RE ANNA JERMAN BONITO, BENEFICIARY OF S. 1348

Information concerning the beneficiary was furnished by her husband, Anthony J. Bonito, sergeant, United States Army, presently stationed at A. P. Hill Military Reservation, Va.

The beneficiary was born on January 3, 1924, at Maresego, Italy, and has never been in the United States. She attended public school in Italy for 8 years and presently resides at Trieste, Italy, where she has been employed as a housekeeper since 1945 at a weekly salary of \$25. The beneficiary has 2 sisters and 3 brothers who reside in Yugoslavia. On June 28, 1953, she married Anthony J. Bonito at Trieste, Italy.

Sgt. Anthony J. Bonito was born on April 25, 1926, at Brooklyn, N. Y., and is a citizen of the United States. He was a member of the United States Army from 1944 to June of 1946, at which time he was honorably discharged. He reenlisted in the United States Army in March 1947 and states that he intends to make the Army his career. Sergeant Bonito states that he met the beneficiary while he was stationed with the United States Armed Forces in Italy and married her. They have no children. Sergeant Bonito's income is \$222 per month, his base pay as a sergeant in the United States Army, and his assets amount to \$8,900. His father is deceased. His mother, 3 brothers, and 2 sisters are citizens and residents of the United States.

The committee may wish to communicate with the Bureau of Security and Consular Affairs of the Department of State for additional information in this case.

Senator Herbert H. Lehman, the author of the bill, has submitted a number of letters and documents in support of the bill, among which are the following:

AFFIDAVIT REQUESTING PRIVATE RELIEF LEGISLATION

SUBMITTED TO THE HONORABLE HERBERT H. LEHMAN, UNITED STATES SENATOR,
STATE OF NEW YORK, BY SFC ANTHONY J. BONITO, ON BEHALF OF HIS WIFE,
ANNA JERMAN BONITO REQUESTING SPECIAL RELIEF FOR HER TO ENTER THE
UNITED STATES

The undersigned, being first duly sworn does make oath in due form of law and deposes as follows:

1. That the person on whose behalf I am submitting this affidavit, my wife, Anna J. Bonito, is presently living at Viale XX Settembre No. 33, Free Territory of Trieste, and is a citizen of Italy. (See birth certificate and translation thereof attached as enclosure No. 1) My wife's present occupation is that of a housekeeper for the family of Gino Migliorini, at the aforementioned address. She earns, in the equivalent of American money, approximately \$25 to \$30 per week. In addition to earnings she is currently receiving a class Q allotment from me in the amount of \$157.10 per month, and I also am sending her \$40 per month out of my regular pay. My wife has no close relatives to my knowledge in this country. Both of her parents are dead. She has 3 brothers and 2 sisters all of whom are married and are living in Yugoslavian Zone (zone B) in Trieste. Attached are statements and translations thereof as enclosures No. 2, 3, and 4 from Dr. Luigi Cattapano, Public Relations Assistant, Headquarters Allied Military Government, Free Territory Trieste; Gino Migliorini, my wife's present

employer; and Camillo Magnan, a very good friend of both my wife and myself. All the statements will attest to my wife's good moral character and reputation.

2. My wife has never entered the United States. Her Italian passport number is 4593179-P. On February 3, 1954, my wife submitted an application for immigrant visa and alien registration (No. I-208195) to be admitted as a nonquota immigrant into the United States. Said application was submitted to the American vice consul at Genoa, Italy. (The mentioned application is attached as enclosure No. 5).

3. The application referred to in the preceding paragraph was denied by a letter from the American consul dated February 5, 1954. (Said letter attached as enclosure No. 6; also attached as enclosure No. 7 is letter to me from the American consul general explaining the reason why my wife's application was denied.) I have been informed that my wife's application was denied because of two incidents which I shall relate in detail below:

(a) The first of these arises out of an alleged assault by my wife upon another woman. Although my knowledge with respect to the incident is not complete, I have been informed that some time during October or November 1953, during the time of the riots in Trieste allegedly precipitated by members of the Communist Party, my wife was visited by a woman neighbor who accused my wife of being a traitor because of her marriage to myself, an American citizen. This woman is known as being a Communist Party member and had for a long period of time been engaged in argument with both my wife and myself when I was stationed in Trieste. I do not know this woman's name. During the course of the visit this woman became extremely vituperative and my wife asked her to leave. A heated argument ensued during the course of which my wife, as a matter of self-defense, attempted to eject this woman from the house. It is my understanding that this woman, who claimed she had been assaulted by my wife, preferred charges against my wife, but later dropped them. There was no trial, my wife was not arrested, and as far as I know nothing further ensued as a result of this incident. Attached as enclosures No. 8 and 9 are extracts copies of local police records, and translations thereof which reveal that my wife's police record is negative. To like effect, is a general certificate from the Italian national authorities and a translation thereof, which is attached as enclosure No. 10.

(b) The other such incident is the registration of my wife as a prostitute in Trieste from 1946 to 1948. My wife has stated to me that, like so many others, she was forced to register by local police authorities who threatened her with imprisonment or extortion if she did not do so. I have known my wife since approximately March of 1947. Ever since I have known her, her morals have been above reproach. Others who have known her have also testified to her good morals and high reputation in the community. (See Enclosures No. 2, 3, and 4). Since 1939 my wife has, to my knowledge, always been able to support herself by legitimate means and has held responsible positions. Prior to her present employment, which I referred to in paragraph 1 above, she worked as a housekeeper in Trieste for the Vianelli family at Via Battisti No. 18. In 1948 my wife turned in her prostitute registration to the Italian authorities who accepted the turn-in and who to my knowledge have never since caused any trouble for my wife with respect thereto. It is my belief that the American consul in Genoa may have been influenced in his decision to deny my wife's application by an American Military CIC report listing my wife as having registered as a prostitute. It is my further belief that if this report could be examined it would reveal that my wife, although she may have been detained on 1 or 2 occasions in the long distant past by American Military Police, was later released without the preferring of charges, and did prove her to be entirely blameless. I have attempted to secure a copy of this CIC report so that I might submit it with this affidavit, however, my efforts have so far been unavailing. (See enclosure No. 11.) I am, however, going to make a new attempt to request a copy of this report through regular Army channels and if successful will transmit the same to be included as part of this affidavit.

4. My wife's present immigration status has been covered in paragraphs 2 and 3, above.

5. I desire permanent resident status for my wife so that they may join me and live with me so that we may resume the normal relations of husband and wife. I have been in the United States Army for a period of 9 years and intend to make the Army my career. I was born in the United States and am a United States citizen. (Attached as enclosure No. 12 is my birth certificate; attached as enclosure No. 13 is our marriage certificate; attached as enclosure No. 14 is an official record, together with a translation thereof, from Trieste civil authorities showing our present family status).

6. My wife has never been convicted of an offense under State or Federal law in the United States or anywhere else to my knowledge.

7. My wife has never, to my knowledge, engaged in any activities or had any associations or belonged to any organizations which might be interpreted or alleged to be injurious to the American public interest.

8. Attached as enclosure No. 15 is a certificate from the adjutant of my organization showing my present service record. Attached as enclosure No. 16 is a letter of reference on my behalf from my commanding officer, Capt. Ferdinand A. Dostal. Attached as enclosure No. 17 is an affidavit submitted by me at the time my wife made application for admission to this country stating, among other things, that I intend to make the Army my career, that I am financially able to support and care for my wife, and that she will not become a public charge.

9. It is accordingly requested that the provisions of sections 212 (a) (9), and 212 (a) (12) of the Immigration and Nationality Act be waived so as to permit my wife to be admitted to this country as a permanent resident and that a special act be passed making such provision. If any other information is needed I shall make every effort to obtain it in order to support this affidavit.

ANTHONY J. BONITO,
SFC, RA42177887, Company E, 2d Battalion,
3d Army Cavalry, Fort George G. Meade, Md.

ACKNOWLEDGMENT

STATE OF MARYLAND,
County of Anne Arundel, ss:

I, the undersigned, do hereby certify that I am a duly commissioned, qualified, and authorized notary public in and for the State of Maryland; and that the affiant in the foregoing affidavit, who is personally well known to me, appeared before me this day within the territorial limits of my authority and executed said affidavit as his free and voluntary act for the uses and purposes therein set forth.

In witness whereof, I have hereunto set my hand and official seal this 30th day of June 1954.

My commission expires May 2, 1955.

[SEAL]

THELMA B. MOSLEY, Notary Public.

COMPANY E SECOND BATTALION,
THIRD ARMORED CAVALRY REGIMENT,
Fort George G. Meade, Md., May 19, 1954.

Subject: Letter of reference for Sfc. Anthony J. Bonita.

To: United States Senate, attention Hon Herbert H. Lehman

Sfc. Anthony J. Bonita RA42177887 has been under my command since December 23, 1953. During that time he has an excellent military record. From previous commanders I received high verbal praise of his abilities and attention to duty.

Sfc. Bonita's character is excellent and his behavior, in spite of trying personal problems, beyond reproach.

Sfc. Bonita is a career soldier and a distinct asset to the Armed Forces of the United States.

FERDINAND A. DOSTAL,
Captain, Armor, Commanding.

HEADQUARTERS, ALLIED MILITARY GOVERNMENT,
BRITISH-UNITED STATES ZONE, FREE TERRITORY OF TRIESTE.
Press Office, Trieste, Mar 12, 1954.

To Whom It May Concern:

I know Mrs. Anna Bonito since 1949, and have a great appreciation of her integrity and reliability. Her character is one of the best and there is nothing I can say on her conduct.

Dott. LUIGI CATTAPAN,
Public Relations Assistant.

Ivan Gerasko—S. 2053, by Senator Morse

The beneficiary of the bill is a 57-year-old native of the Ukraine who claims to be stateless and who has never been in the United States. He now resides in Germany. He and his family were taken

by the Germans in 1944 and were sent to a labor camp. After the end of the war they remained in Germany, inasmuch as the beneficiary had a record of three arrests in Russia prior to the war for being an anti-Communist. His wife and two daughters came to the United States in 1951 as displaced persons, but he was refused a visa because he was afflicted with tuberculosis. Recent information is to the effect that the disease is dormant and that he presents no health hazard. The beneficiary's wife and daughters are all employed in Chicago. One daughter is now married.

A letter, with attached memorandum, dated July 15, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., July 15, 1955.

HON. HARLEY M. KILGORE,
*Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.*

DEAR SENATOR: In response to your request for a report relative to the bill (S. 2053) for the relief of Ivan Gerasko, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Portland, Oreg., office of this Service, which has custody of those files.

The bill would provide for the beneficiary's admission to the United States for permanent residence, if found otherwise admissible, by exempting him from the provisions of section 212 (a) (6) of the Immigration and Nationality Act which excludes from the United States those aliens who are afflicted with tuberculosis in any form, or with leprosy, or any dangerous contagious disease.

The bill specifically limits the exemption granted the beneficiary to grounds for exclusion of which the Department of State or the Attorney General has knowledge prior to the date of the enactment of the bill.

Sincerely,

_____, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION
SERVICE FILES RE IVAN GERASKO, BENEFICIARY OF S. 2053

The beneficiary was born in Perejaslaw, Ukraine, on September 23, 1897, and is now stateless. His wife and two daughters entered the United States as displaced persons in 1951, and reside in Chicago, Ill. The beneficiary resides at Schubertstrasse 32-143, Ingoistadt, Donau, Western Germany. He is employed as a part-time laborer. He receives between \$10 and \$15 monthly assistance from his family. He has no assets. His educational background consists of attendance at schools in the Ukraine for 9 years.

The beneficiary states he was arrested in Russia as an anti-Communist in 1920, 1921, and 1938 and imprisoned a total of 18 months. He states that in 1944 the German armies retreating from the Ukraine evacuated him with his family to Germany where he was sent to German labor camps. Beneficiary and his family resided in various displaced persons camps in Germany subsequent to July 1945. He was formerly an agronomist and building foreman.

The beneficiary has never been in the United States. His family states he was refused an immigrant visa by the American consul in Munich, Germany, in the early part of 1951 because his chest X-ray disclosed a spot on his lung. His family informs he has undergone numerous examinations by German doctors who state that he is not afflicted with tuberculosis and that the spot on his lung does not change from year to year. Mr. Gerasko is the beneficiary of an approved visa petition filed by his wife. He served in the Russian Army from 1915 to 1917.

Beneficiary's wife is employed as a rivet inspector at \$1.05 per hour. One married daughter is employed as a bookkeeper at \$200 per month, and the other daughter is employed by a radio corporation as an assembly worker at \$1.51 per hour. Stephan Chemytsch, prospective son-in-law of beneficiary and sponsor of the private bill, entered the United States as a displaced person in 1952. Mr.

Chemysch is a student at the University of Oregon in Eugene. He is also employed as a hotel clerk at approximately \$175 per month, and has savings of \$3,670.61.

Beneficiary desires to take up residence with his wife in Chicago and seek employment as a laborer, janitor, or carpenter.

Senator Wayne Morse, the author of the bill, has submitted a number of letters and documents in connection with the case, among which are the following:

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
May 27, 1955.

HON. HARLEY M. KILGORE,
*Chairman, Judiciary Committee,
United States Senate, Washington, D. C.*

DEAR SENATOR: Enclosed is a copy of S. 2053, which I introduced May 24 on behalf of Mr. Ivan Gerasko, and copies of correspondence relating to the case.

[You will note from the enclosures that Mr. Gerasko and his family were fortunate enough to escape from their native Ukraine and Mrs. Maria Gerasko and their daughter, Maria, now reside at 88 West Eighth Avenue, Eugene. Mr. Gerasko was denied entry in to the United States in 1951 because of the existence of a tuberculosis condition, and according to the attached recent report of the Public Health Service officer in Munich, it does not appear that he can be approved medically in the near future. Mr. Gerasko is now living at Schubertstrasse 32-143, Ingolstadt, Germany, and is registered under U. S. S. R. quota No. 008486.3-c.

According to his daughter, no tuberculosis treatment has ever been recommended to Mr. Gerasko by his own physicians and he is working and self-supporting. I have asked for supporting evidence in this respect and as soon as it is received will forward it to your committee.

Miss Gerasko plans to be married this summer to Mr. Stephan Chemysch, who, I understand, is now a junior at the University of Oregon. They advise me that they are presently employed and are willing to provide financial assurance that Maria's father will not become a public charge if he is permitted to come to the United States.

Needless to say, the family is extremely anxious to be reunited in this country. If, upon considering the facts of this case, the committee feels that it is meritorious, favorable action would be appreciated.

Sincerely yours,

WAYNE MORSE.

EUGENE, OREG., March 31, 1955.

HON. WAYNE MORSE,
United States Senate, Washington, D. C.

DEAR SENATOR: First of all, allow us to introduce ourselves. We are Stephan Chemysch, 26, now junior at the University of Oregon, and Maria Gerasko, 22, both displaced persons from Ukraine. Both of us are happy to have found a new home and opportunity to learn in this wonderful country and for this we are immeasurably grateful to the American people. We are about to become American citizens.

Like all people, we too have our problems. Our former home country is occupied by the Russian Communists, and Stephan has lost contact with his parents who were unable to escape. I, Maria, was fortunate enough to leave Ukraine with my family, but we, too, had to part. My father, Mr. Ivan Gerasko, who now lives in Ingolstadt, Western Germany, Schubertstrasse 32-143, was denied entry into the United States in 1952 by the United States Public Health Service in Munich, Germany, because of a possible old tuberculosis process. He registered with the American consulate general in Munich, Germany, in 1951 under U. S. S. R. quota No. 008486.3c, and his case was reactivated with the Munich United States consulate last December, but no answer has been received, which indicates a possible rejection.

Stephan and I, we both intend to get married this summer and we still hope for our father to come, else we again shall have to postpone our wedding, since it is an ancient Ukrainian tradition and our ardent desire that our father, the dearest person and relative we possess, would attend our church wedding.

The prolonged absence of our dear father has resulted in immeasurable moral suffering for us and his wife, Mrs. Maria Gerasko, who is with us. We all work and, if necessary, can and shall support him. The facts that he is working and feels healthy and the findings of German X-ray specialists which are favorable would suggest that there is little reason for his exclusion. No tuberculosis treatment has been ever recommended to him.

If there is any way you can help us to unite our family please do it; you are our last hope.

Respectfully yours,

STEPHAN CHEMYTSCH and MARIA GERASKO, Jr.

EUGENE, OREG., May 6, 1955.

Hon. WAYNE MORSE,
United States Senate, Washington, D. C.

DEAR SENATOR: Thank you for letters of April 2 and May 3, 1955, and for your efforts in our cause. If our family will be reunited the credit for it will certainly belong to you.

We believe that the Good Lord has not abandoned us. He saved us from Soviet Russian terror in Ukraine, and He also helped us to find a new home and people like you to help us. We trust that His hand will guide us further.

Please let us know if you need any notarized financial assurances that our father, Mr. Ivan Gerasko, will not become a burden to the United States Government as supplement to the private bill you intend to introduce in the Senate. If so, we shall mail them to you immediately.

We remain,

Respectfully yours,

MARIA GERASKO, Jr.
MARIA GERASKO, Sr.
STEPHAN CHEMYTSCH.

AMERICAN CONSULATE GENERAL,
Munich, Germany, April 19, 1955.

Hon. WAYNE MORSE,
*United States Senate,
Washington, D. C.*

MY DEAR SENATOR MORSE: I have received your letter of April 4, 1955, concerning the immigration case of Mr. Ivan Gerasko.

We have had the case of Mr. Gerasko reviewed by the United States Public Health Service physician attached to this office as medical adviser, and I am enclosing a copy of his report dated April 14, 1955.

I regret that the physician's report is not more encouraging.

Sincerely yours,

J. RAYMOND YLITALO, *American Consul.*

APRIL 14, 1955.

Re Ivan Gerasko.

Miss WINN,

Visa Section, United States Public Health Service.

The above applicant was rejected by the Public Health Service because of pulmonary tuberculosis in November 1953 and November 1954. Numerous X-rays are on file and reveal extensive disease of the upper portion of both lungs and a large solitary tuberculoma in the right midlung field.

According to existing interpretation of the immigration laws it appears that Mr. Gerasko cannot be approved medically in the foreseeable future.

CHARLES P. STEVICK,
Senior Surgeon (R), Medical Officer in Charge.

[Translation (German)]

INGOLSTADT, GERMANY, *June 3, 1955.*

EXPERT OPINION

The following is the result of an X-ray examination of the lungs of Mr. Iwan Gerasko, born September 23, 1897, and residing at Schubertstrasse 32, Ingolstadt:

Right lung: The entire upper lobar field shows heavy, shadowy spots of uneven size, which are more closely crowded together behind the third anterior costal arch, in the central portion, a heavy shadow-spot the size of a cherry. Hilus shows, in both poles, a heavily striated, fibrous condition. Diaphragm, convex and freely mobile. "Sin." [?] [Spleen?] o. k.

Left lung: Upper lobar field, down to the second anterior costal arch, shows heavy shadow-spots of various sizes, closely crowded together, with striata leading down to the hilus. The shadow-spots diminish in density in an apical-to-caudal direction.

Diagnosis: Cirrhotic tuberculosis, with induration of both upper lobes; faint basal pleuritic remnants noticeable in the right [lobe].

I have known the patient since March 28, 1952. The condition of his lungs has remained unchanged, stationary, during the entire intervening period. The patient has always been fit for work. Treatment of his pulmonary disease was not, and is not now, necessary.

[Miss] LUDMILLA KASALICKY, M. D.,
Lung Specialist.

Translated by Elizabeth Hanunian, June 24, 1955.

Jose Alvarez—S. 421, by Senator Smathers

The beneficiary of the bill is a 28-year-old native and citizen of Cuba, who last entered the United States on February 14, 1952. He was excluded on the ground that he admitted the commission of the crime of perjury prior to entry. He was subsequently paroled into the United States. The record discloses that when the beneficiary was previously in the United States as a temporary visitor, he executed an application for an extension of his temporary stay in which he stated under oath that he was not working at the time when, in fact, he was gainfully employed. The beneficiary was married on September 8, 1951, to Angelina Tonza, a United States citizen, and they have one citizen child. The beneficiary presently resides abroad with his citizen wife and child and, without the waiver provided for in the bill, he will be unable to accompany them to the United States.

A letter, with attached memorandum, dated November 27, 1953, to the then chairman of the Senate Judiciary Committee from the Acting Commissioner of Immigration and Naturalization with reference to S. 2337, which was a bill which passed the Senate during the 83d Congress, reads as follows:

NOVEMBER 27, 1953.

HON. WILLIAM LANGER,
Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 2337), for the relief of Jose Alvarez, there is annexed a memorandum of information from the Immigration and Naturalization Service files concerning the beneficiary.

The bill would grant the alien permanent residence in the United States upon payment of the required visa fees. The bill is apparently intended to waive the excluding provisions of the Immigration and Nationality Act which apply to aliens who admit the commission of acts which constitute the essential elements of moral turpitude.

It is suggested that the committee may wish to amend the bill by deleting all that follows the enactment clause and substituting the following:

"That, notwithstanding the excluding provisions of section 212 (a) (9) of the Immigration and Nationality Act, Jose Alvarez shall not be excluded from the

United States for causes of which the Department of Justice or the Department of State had knowledge prior to the enactment of this Act."

Sincerely,

_____, *Acting Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION
SERVICE FILES RE JOSE ALVAREZ, BENEFICIARY OF S. 2337

The alien, Jose Alvarez, or Jose Alvarez y Flores, was born on March 14, 1927, in Habana, Cuba. He last entered the United States on February 14, 1952, at Miami, Fla. He was excluded from admission but was subsequently released on bail at the order of the United States District Court. The alien was excluded on the ground that he admitted the commission of acts constituting a crime involving moral turpitude prior to entry, to wit, perjury. This offense occurred during a previous stay of the alien in the United States as a temporary visitor. In applying for an extension of his temporary stay he stated under oath that he was not working at the time, when in fact he was gainfully employed.

The beneficiary's appeal from the excluding order of the Board of Special Inquiry was affirmed by the Board of Immigration Appeals. He filed a writ of habeas corpus in the United States District Court which was dismissed. His appeal from the dismissal of the writ was dismissed by the United States Court of Appeals.

Mr. Alvarez married a native-born citizen of the United States in New York on September 8, 1951. He is presently employed as an auditor by a hotel in Miami, Fla., at a salary of \$50 per week. His wife is employed as a secretary by a Miami hotel at a salary of \$200 per month.

The beneficiary was a member of the Spanish Falange from 1940 to 1943.

In addition, the following letter, dated March 31, 1955, to the chairman of the Senate Judiciary Committee from the Commissioner of Immigration and Naturalization with reference to the beneficiary, reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., March 31, 1955.

HON. HARLEY M. KILGORE,
*Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.*

DEAR SENATOR: This is in response to your request for a report on the bill (S. 421) for the relief of Jose Alvarez.

The bill would provide that the beneficiary shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of enactment upon payment of the required visa fee.

The records of this Service indicate that the beneficiary departed from the United States on January 22, 1955, destined to Spain by way of Cuba.

Sincerely,

_____, *Commissioner.*

Senator George Smathers, the author of the bill, submitted a number of letters and documents in connection with the case, among which are the following:

UNITED STATES SENATE,
COMMITTEE ON FINANCE,
February 9, 1955.

HON. HARLEY M. KILGORE,
*Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.*

DEAR SENATOR: Reference is made to S. 421, a bill introduced by me for the relief of Jose Alvarez.

I introduced a similar bill in the last session of the Congress (S. 2337) which was reported favorably by the Committee on the Judiciary and passed by the Senate. However, this action was too late to obtain any consideration by the House.

On January 27 I received information from Mr. Jose Alvarez that, due to the illness of his wife, it became necessary for him for health reasons to send her and his baby girl to Spain where they could be cared for by his mother. Mr. Alvarez

has left Miami, Fla., to join his wife and child, and his present address is Fernandez Latorre 130-2do., La Coruna, Espana. It is his hope that after his wife has regained her health that he will be able to send them back to the States and also to be able to be admitted with them on a permanent visa.

In view of the above circumstances, I would appreciate it if you would see to it that the bill I introduced and referred to above, is amended accordingly.

Thanking you and with kindest personal regards, I am

Sincerely,

GEORGE SMATHERS, *United States Senator.*

JULY 21, 1953.

Senator GEORGE SMATHERS,

Senate Office Building, Washington, D. C.

DEAR SENATOR SMATHERS: I am going to answer your letter of July 17, as accurately as possible, giving you details of my life with the help of some records I keep.

I was born in Habana, Cuba, March 14, 1927. Being about 3 years old, my mother, Mrs. Maria Flores (Mrs. Alvarez, Sr.) took me over to Spain where we spent some time. In the meantime, my father, Mr. Nicanor Alvarez, stayed in Habana due to the fact that he was partner-owner of a store and was not able to go over with us. Months later, my mother and I went back to Habana to join my father and since then we remained all together.

In 1933 we went to Spain to live there—in that time I was 6 years old—so I grew and was educated over there. Being 21 years of age I left Spain and went to Cuba, where I stayed about 6 months, going later to Maracaibo, Venezuela, S. A., where I stayed about 2½ years.

On June 10, 1951, I got married to Mrs. Alvarez, by proxy, after knowing each other during 7 years. My father over in Spain was the one who represented me as at that time I was in Venezuela. My wife, Mrs. Alvarez, left Spain and came to the United States where she was born and where we intended to make our home and raise our family. As my work in Venezuela did not permit me to come here at the same time that she did, I arrived in the States a few days later, entering at the Miami Airport on July 23. (I am not very sure of this date, as my records are not clear.) I spent a couple of days in Miami, due to the fact I was not able to get ticket for New York.

On July 26 I got my ticket, so I went to New York where my wife and her family were expecting me. I arrived at New Jersey Airport on July 27 at 2 a. m. and we went to the Hotel Chesterfield in New York where we stayed during 4 days. On July 31, we rented an apartment at 46 West 62d Street, New York, N. Y.

The following month Mrs. Alvarez became ill and our troubles began. The money we had for our first needs was all spent in her doctor and medicine bills. As she was the only one permitted to work—because of my visitor's visa I was not able—she did it forgetting her bad condition; however, expenses were bigger than collections, so I felt like a guilty person, ashamed of myself not being able to take care of my wife and give her the care she needed so badly.

Not wanting her to go under the welfare's care, I went to the immigration office in Columbus Circle, New York, asking them to advise me what to do. After explaining my situation to the lady officer, she told me that I was not permitted to work with a visitor's visa, but being my situation as it was, she advised me (personal advice, without any proof) to work, assuring me that I will not find any trouble in the future if I was able to show that the illness of my wife pushed me to do it, so I went out to work, trying my best to help the situation.

I was not a steady worker, not because I did not have the chance, but I was afraid that this will bring me trouble. It seemed something inside of me was telling me that I was not doing the right thing, although I knew I was doing the right thing every good husband would do. For this reason, I worked a couple of days here and a couple of days there, trying only to make a few dollars to mitigate the situation. In those days my former boss in Venezuela was here and he offered me a good job, knowing my situation, so I went to work for the Lummus Co. in Bayonne, N. J., on a Government project. As they only permitted citizens to work, my boss wanted to ask permission of Washington for me to work but I refused him to do so, as I thought that maybe this will bring him some trouble. Thinking that not being a citizen and working for a Government project was something against the law, I refused to work with him.

Being my visa was good till late December 1951 and wanting to spend Christmas with my wife, I asked for an extension, which was given to me. In this extension is where I made the statement that I have never worked during my stay here. I made the statement not knowing that it meant so much to the laws of immigration and ignoring it was going to put me into trouble. I left the States before my visa ended as I was anxious to come back with my residence and to be able to help my wife in everything she needed.

On February 14, 1953, I entered the United States by the port of Miami, then I was asked if I ever worked in the States and I said the truth, so I was arrested and sent to the Hotel Belfort. The following day I went before a jury of the immigration where I had an interrogation. You can imagine how I felt in that moment. I was so depressed that I did not even have the strength to think clearly. I was worry about my situation, my wife and the future and thought the best way to get out of it was to accept all the suggestions they made. I did not have anyone to advise me. The jury asked me if I wanted a lawyer, and I told them I would like to have one but my money situation did not permit me to have it, so they continued the hearing with me alone. If I had had then a lawyer, I am sure that with his advice nothing will have happened and at the present time we could be living peacefully and not worrying about the future as we are now.

I forgot to tell you that the Immigration Office in New York did not recognize our marriage by proxy, so we were remarried in New York, as soon as they told us that marriage by proxy was not legal in the State of New York.

The places where I was resident are as follows:

Habana, Cuba: From 1927 to 1933. (Between these years I made a trip to Spain with my mother. I have no exact dates.)

La Coruña, Spain: From 1933 to October 9, 1948, Fernandez Latorre Street, No. 130, second floor.

Habana, Cuba: From November 6, 1948, to March 22, 1949, 64 Carvajal Street, Apartment No. 1

Caracas, Venezuela: From March 23 to 24, 1949, Hotel Nacional.

Maracaibo, Venezuela: From March 25, 1949, to July 23, 1951, and my addresses were as follows: Hotel Principal, from March 25 to 31, 1949; 233 Independencia Street, from April 1 to October 30, 1949; 18 Urquinaona Street, Quinta Adela, from November 1, 1949, to September 30, 1950; Avenida 5 de Julio, Quinta Josefina, from October 1, 1950, to July 23, 1951.

Miami, Fla.: From July 23 to 26, 1951, Hotel Royalton.

New York, N. Y.: From July 27, 1951, to January 5, 1952, addresses as follows: Hotel Chesterfield, from July 27 to 30, 1951; 46 West 62d Street, Apartment 4C, from July 31 to September 30, 1951; 161 President Street, Brooklyn, N. Y., from October 1, 1951, to January 5, 1952.

Habana, Cuba: From January 5 to February 14, 1952, Hotel Cuba Moderna, 804 Monte Street.

Miami, Fla.: From February 14, 1952, up to date. Addresses as follows: Hotel Belfort, from February 14, 1952, to July 18, 1953; 151 Northeast 5th Street, Apartment 22, from July 19, 1952 to July 18, 1953; 2938 Southwest 24th Street, from July 19 up to date.

The list of places where I worked are as follows:

La Coruña Bank, La Coruña, Spain: From May 15, 1944, to October 9, 1948. I was an officer of second class and I worked most of the departments of this institution, principally in the accounting department of the main office. I resigned this job to go to Cuba and they gave to me a leave of absence of 3 years.

Bosch Carrio & Co., 208-210 Muralla Street, Habana, Cuba: From November 1948 to January 1949. I worked as an all-around boy. This was a very hard job and I was not able to carry on big weights, so my work was not satisfactory and I was fired. I tried to get a job according to my aptitudes but the employment situation in Habana was so bad I decided to go to Venezuela, which I did.

Commercial Bank of Maracaibo, Maracaibo, Venezuela: From March 26 to September 15, 1949. I resigned this job to get another better paid one with the Lummus Co. In this bank institution I worked for the auditing department.

The Lummis Co., care of Shell Caribbean Petroleum Co., Maracaibo, Venezuela: From September 1949 to July 23, 1951, I worked as a first-class clerk for the industrial relations department and later on I occupied the position of assistant to industrial relations chief. I finished this job at the end of the company's project and then I came to the States to join my wife.

On July 1952 when I got permission from the Federal court in Miami to go to work. I was hired by the Hotel Leamington, 307 Northeast First Street, Miami, Fla., as auditor and up to date I remain in the same position.

My studies were as follows:

Between years 1927 and 1933 I had kindergarten at a private school in Habana.

Between years 1933 and 1939 I had various grade schools (I must remark that school grades in Spain are different to those in the States and they take longer) in La Coruña, Spain, at the following places: Cervantes College (general education), Mendez Academy (general education), Cabanillas College (general education).

From the year 1939 to the year 1943, I studies business administration and I passed examination of the following segments: Arithmetic and geometry, universal history, history of Spain, civil law, grammer, geometrical drawing, caligraphy, shorthand, universal geography, geography of Spain, science and chemistry, human body science, political economy, algebra, calculations, accounting, French, English, and a few things I cannot remember now.

Between 1943 and 1944 I got an accounting degree.

At the present time I am studying civil engineering with the International Correspondence Schools, Scranton, Pa., and I hope that I will get my degree in the future.

The only time in my life I was arrested was by the immigration authorities in Miami on my arrival here February 14, 1952.

The above is all the story of my life in a short way. I think that this will help you to get my bill passed by the Congress. All are true facts to the best of my belief. I have nothing to be ashamed of because all my life I tried to do my best. If there is anything you would like to know or you would like to clear up, please let me know.

I hope to have the pleasure of meeting you and thanking you for all your kindness to me.

Sincerely yours,

JOSE ALVAREZ.

P. S.—My new address: J. Alvarez, 2938 Southwest 24th Street, Miami, Fla. I am enclosing some copies of letter that you may appreciate. I will look over my papers to see if there is something else.

Hildegard Kropfitch Pelloski—S. 607, by Senator Potter

The beneficiary of the bill is a 28-year-old native and citizen of Austria who is the wife of a United States citizen member of our Armed Forces. She is presently residing in Germany with her husband and their 3-year-old son. The beneficiary was convicted of theft on three occasions, which thefts consisted of food, clothing, trinkets, and jewelry of minor value. She was taken to Germany to a labor camp from her home in Austria and being an Austrian, she was denied German food and ration cards. After her own clothing was stolen she was forced to steal and she needed the food to survive. Without the waiver provided for in the bill, she will be unable to accompany her husband to the United States to make their home.

A letter, with attached memorandum, dated July 30, 1954, to the then chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to S. 2732 which was a bill pending in the 83d Congress for the relief of the same alien reads as follows:

JULY 30, 1954.

HON. WILLIAM LANGER,

*Chairman, Committee on the Judiciary,
United States Senate, Washington 25, D. C.*

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 2732) for the relief of Hildegard Kropfitch Pelloski, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Detroit, Mich., office of this Service, which has custody of those files.

The bill provides that, notwithstanding the provisions of the Immigration and Nationality Act, which excludes from admission aliens who have been convicted of two or more offenses for which the aggregate sentences to confinement actually imposed were 5 years or more, the beneficiary may be admitted to the United

States for permanent residence if she is found to be otherwise admissible. It further provides that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of enactment. Although no specific reference is made to such provisions in the bill, the bill is apparently intended to exempt beneficiary from the provisions of section 212 (a) (9) of the Immigration and Nationality Act which relate to the exclusion of aliens who have been convicted and admit the commission of crime involving moral turpitude.

As the wife of a United States citizen, the beneficiary would be entitled, if otherwise eligible, to nonquota status in the issuance of an immigrant visa.

Sincerely,

_____, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION
SERVICE FILES RE HILDEGARD KROPFITSCH PELLOSKI, BENEFICIARY OF
PRIVATE BILL (S. 2732)

Information relating to the beneficiary was obtained from Mrs. Minnie Geyer, 337 West Cambourne Street, Ferndale, Mich., and Albert Pelloski, 246 South First Street, Harbor Beach, Mich.

The beneficiary, Hildegard Kropfitch Pelloski, a native and citizen of Austria, was born on June 12, 1927. She is married and resides with her husband at Gofppingen, Germany. She has never been in the United States.

The beneficiary met William E. Pelloski in 1948 while he was serving on active duty with the United States Army in Austria. On October 1, 1948, at Frankfurt, Germany, the beneficiary was married to William E. Pelloski. They have one son, Edward Pelloski, who is about 5 years old.

According to information furnished this Service, the beneficiary was denied a visa in Frankfurt, Germany, in 1948. It has been alleged that the beneficiary was convicted in Austria on three different occasions for the crime of theft. Further information regarding the alleged convictions was unobtainable and the committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information in this connection.

William E. Pelloski was born on May 28, 1919, at Harbor Beach, Mich. On June 11, 1941, he was inducted into the United States Army and received an honorable discharge on October 31, 1945. In June of 1946 he reenlisted in the United States Army and has been on continuous duty with the United States Army since the latter date. He holds the rank of sergeant and his serial number is RA36117517. His present address is 28 Signal Company, 28th Infantry Division, APO 111, c/o Postmaster, New York, N. Y.

Sergeant Pelloski resides with his wife and minor child at Gofppingen, Germany.

A letter dated April 8, 1953, to former Senator Homer Ferguson, the author of the bill S. 2732, from the Director of the Visa Office, United States Department of State, reads as follows:

DEPARTMENT OF STATE,
Washington, D. C., April 8, 1953.

Hon. HOMER FERGUSON,
United States Senate.

MY DEAR SENATOR FERGUSON: I refer to my letter to you of January 7, 1953, as well as to telephone conversations on March 20 and 31, 1953, between Mr. Kenny of your office and Mr. Harlow regarding the immigrant visa case of Mrs. Hildegard Kropfitch Pelloski whom her husband, Sgt. William E. Pelloski, Camp Gordon, Ga., desires to bring to the United States from Germany.

As Mr. Kenny was informed over the telephone, the Department is in receipt of a communication dated March 17, 1953, from the American consulate general at Frankfurt in which it is reported that Mrs. Pelloski was informally refused a nonquota immigrant visa on November 7, 1952, inasmuch as she had been found mandatorily inadmissible into the United States under the provisions of section 3 of the Immigration Act of February 5, 1917, as amended, by reasons of three convictions of crimes involving moral turpitude.

Investigations conducted by the consulate general have revealed that Mrs. Pelloski was convicted by the Amtsgericht (district court) at Ludwigsburg on March 8, 1946, on 2 counts of theft in violation of paragraph 242 of the German Penal Code and on 1 count of embezzlement in violation of paragraph 246 of the German Penal Code, and sentenced to 9 weeks' imprisonment; that on August 24,

1946, she was convicted of theft in violation of paragraph 242 of the German Penal Code by the Amtsgericht (district court) at Traunstein and sentenced to 1 month imprisonment; and that on December 17, 1946, she was convicted of theft by the same court and sentenced to 8 weeks' imprisonment.

Mrs. Pelloski remains excludable from the United States and ineligible to receive a visa under the provisions of section 212 (a) (9) of the Immigration and Nationality Act as she committed more than 1 crime and was over the age of 18 years when the crimes were committed.

For your information I enclose two copies with translations, of the record of Mrs. Pelloski's conviction by the Amtsgericht at Ludwigsburg which were received from the consulate general at Frankfurt. That office has requested the consulate general at Munich to obtain from the Bavarian Ministry of Justice copies of the records of Mrs. Pelloski's convictions by the Amtsgericht at Traunstein. I shall be pleased to forward copies of these records to you when they are received in the Department.

Sincerely yours,

EDWARD S. MANEY,
Director, Visa Office.

Former Senator Ferguson also submitted the following letter in connection with the case:

MAY 31, 1953.

HON. HOMER FERGUSON,
*Senator for Michigan,
Senate Office Building Washington, D. C.*

DEAR SENATOR FERGUSON: Sir, to understand the reason for my wife's actions after the war, it must be understood what happened while she was here during the war and right after the war.

As the newspapers pointed out, she was sent to Germany before she reached her 16th birthday. She didn't know things that growing girls should learn before they have to be on their own. She lost her mother's advice when it was needed the most due to her being sent away.

The place she was sent to was a work farm. She didn't learn anything there to help her live a good life. In fact I believe it in a way is what gave her courage to do almost anything in order to survive.

The reason I make that statement was because while there she saw everyone take things, including food and clothing that belonged to others, because they were hungry or needed clothes. Whenever she got a package from home she shared it with another girl.

Their main food at the place was potatoes. She had so many that today she is sick of them. I feel sorry for her because I talked with another girl from there. They had it hard.

When she left there after the war, she left with one of the girls that lived in Germany. They went to this girl's sister's place. During the night while my wife was sleeping, this girl left with my wife's suitcase and all the clothes my wife had in it.

My wife didn't know what to do. She told the girl's sister about it. The girl's sister said she couldn't do a thing because she didn't know where she went. My wife didn't have a thing after that and had no way of buying a thing even if she had money which she didn't. She had to get by the best way she could.

She couldn't leave for her home because she couldn't get across the border. It wasn't until May 1948 before she could get papers fixed to get home. Even during her trials they knew she was an Austrian but they couldn't send her home.

The trial records all showed that under the circumstances that these thefts occurred that my wife wasn't wholly responsible. That was why the small sentences.

As for telling lies in order to get places to stay, she had to either do that or sleep in the outside. At that time and still the people here won't do anything for nothing in return. She had to lie in order to get a place to sleep. She didn't think anything was wrong in doing that at the time. Now she knows different but she still says she had to do that in order to survive.

As for taking clothes, she didn't have a thing to wear due to hers being stolen, that she had to get them some way. She couldn't buy any even if she had money. She left her old worn-out things for what she took.

As for paying for her mistakes, she paid for them over and over. She always gave food to beggars because she can remember the hell she went through to

survive. She also gave food to the Catholic Sisters that came around collecting food for the orphanages near Frankfurt.

From the time I first met her, she never asked me for a thing. She used to do my washing and I gave her cigarettes for doing it. She gave everything I gave her to the people she was staying with.

If she had been living in normal times, under ordinary conditions, none of the things she did would have happened and she would have been a leading person in her town. The reason I say this is because of her actions since I knew her.

While many girls married just to get to the United States, it wasn't the case with my wife. She married me because she loved me and proved it many times.

When she was told she couldn't get a visa to the States, she told me to take the baby and go to the States and forget her.

Sir, in my opinion no man could leave the woman he is married to because she couldn't go to his country to live. In my belief it would be a poor man that would desert his family just because they can't go where he lived.

Sir, I can understand why my wife had to live the way she did after the war. I was here then and I saw what it was like. It took American cigarettes to get anything you wanted or you just took what you wanted. We had a right to do that because it was war.

After the war, they had displaced persons camps. She didn't know much about them and she had been in one camp and that was enough for her. I guarded one of those camps. I saw what they were like. I didn't blame the people for not caring to stay in them. I know we had trouble keeping the people in them.

When I met my wife in 1947 she didn't have any clothes except what she was wearing. She looked like a beggar. She had shoes with cardboard inside to cover the holes in the soles. I gave her a pack of cigarettes to get them fixed.

When I wrote my sister about her she sent some clothes and shoes and rubbers to me for her. She also sent her some CARE packages. It made her real happy.

As for the trials, there are many things in them that aren't true. She said a lot of things were made up because she started going with an American in 1946.

As for the things she did take, it was from people that were hoarders in a way. They had extra but they wouldn't give anything to someone that needed something. I guess that is the only way to always have a lot. I think that she shouldn't be held responsible for a thing because she wasn't here on her own free will.

Sir, I also wonder if the German courts had the right to prosecute my wife because she wasn't a German and the American Army was occupying the country at the time. She was and always was an Austrian national. I am wondering if that is legal.

Sir, I wish to thank you and all of the people of Michigan for all of the fine letters we have received from them and no matter what the outcome may be, we aren't bitter at anyone.

Am enclosing a picture of our baby, and also one of the wife and baby. The baby is 14 months old and really smart.

Am sorry I took so long to answer your letter but I have been in the field training in order to be prepared in case anything should ever happen over here again.

Sincerely yours,

Sgt. WILLIAM E. PELLOSKI.

Senator Charles E. Potter, the sponsor of the instant bill, submitted the following letter in support of the bill:

UNITED STATES SENATE,
Washington, D. C., May 25, 1955.

Re S. 607

Hildegard Kropfitch Pelloski
(S. 2732, 83d Cong.).

Hon. HARLEY M. KILGORE,

*Committee on the Judiciary,
United States Senate.*

MY DEAR MR. CHAIRMAN: Transmitted herewith supporting evidence in behalf of S. 607 for the relief of Hildegard Kropfitch Pelloski, wife of Army Sgt. William E. Pelloski, RA36117517, APO 111, New York.

While on duty in Germany, Sergeant Pelloski of Harbor Beach, Mich., in 1948 married Hildegard Kropfitch, a native of Austria. In April 1952 their son,

Peter, was born. When the sergeant was scheduled to return to the States in 1952, he learned his wife was barred under our immigration law (see newspaper clipping enclosed) for the reason she served some 9 weeks in a German jail after World War II for stealing food and a few clothes. This occurred when she was 16 and after she was taken to Germany from her home in Austria as a forced laborer. Being an Austrian, she was denied German food and ration cards.

Records of the district court, Traunstein, furnished by the Visa Director, Department of State, are enclosed.

I do not believe any one of us would wish to maintain this wife and mother should be denied entry to America because of the above-mentioned conviction. We, who have not known the privations of war, can little appreciate what humans, particularly a child, will do contrary to their Christian beliefs in order to survive in a strange land ravaged by war.

The letters of character reference obtained by Sergeant Pelloski from Army-friends who for several years were neighbors in Frankfurt of this family are likewise enclosed. These attest firmly to Mrs. Pelloski's sterling and loving character.

I most sincerely believe that the case of Mrs. Pelloski merits your committee's sympathetic study and consideration. I hope deeply that the committee will act favorably on her relief measure so this family may live in the United States, which Sergeant Pelloski has served faithfully as a member of our Army for 14 years.

Respectfully submitted.

CHARLES E. POTTER, *United States Senator.*

George Roland Lavoie—S. 753, by Senator Smith of Maine

The beneficiary of the bill is a 25-year-old native and citizen of Canada who is married to a native-born United States citizen and is the father of 2 United States citizen children. He has entered and departed from the United States many times in following his occupation as a woodsman. He was found to be excludable upon his last application for entry because he was convicted in Canada on January 27, 1950, for breaking and entering a store in the night and theft. He was sentenced to serve 2 years in the penitentiary. Since the beneficiary's exclusion in March 1953 the citizen wife and children have been residing with him in Canada, but the family desires to resume residence in the United States. Without the waiver provided for in the bill, the beneficiary will be unable to enter the United States.

A letter, with attached memorandum, dated June 9, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., June 9, 1955.

HON. HARLEY M. KILGORE,
*Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.*

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 753) for the relief of George Roland Lavoie, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Portland, Maine, office of this Service, which has custody of those files.

The bill provides that notwithstanding the provisions of section 212 (a) (9) of the Immigration and Nationality Act, the beneficiary may be admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of such act. The bill does not specifically limit the exemption granted the beneficiary to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of enactment of the bill.

Sincerely,

_____, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION
SERVICE FILES RE GEORGE ROLAND LAVOIE, BENEFICIARY OF S. 753

George Roland Lavoie, a native and citizen of Canada, was born on June 20, 1930, at St. Louis du Ha Ha, Province of Quebec. On December 20, 1952, he was married at Houlton, Maine, to Marilyn Jeane Gillis, a United States citizen, who was born on July 22, 1930, at Danforth, Maine. Their two small children George Mancel and Carmine Linda, who were born in the United States, reside with the beneficiary and his wife in Harvey Station, York County, New Brunswick, Canada. The alien's usual occupation is a woodsman and he is presently employed as a woodsman, mechanic, and truckdriver by the Fraser Co. in Harvey Station, New Brunswick, at a yearly salary of \$2,000. Mr. Lavoie completed the sixth grade of school in Canada. The beneficiary's parents reside in Canada and he has no relatives living in the United States.

The beneficiary has entered and departed from the United States many times. Between July 1951 and March 1953, he worked for the most part in the United States as a woodsman under bond. On March 30, 1953, at Madawaska, Maine, he applied for entry into the United States as an immigrant. He was held for a hearing before a special inquiry officer and was excluded and deported on grounds that he was an immigrant not in possession of a valid immigration visa; and that he was an alien who had been convicted of a crime involving moral turpitude.

On January 27, 1950, at Riviera du Loup, Province of Quebec, Canada, Mr. Lavoie was convicted for the crime of breaking and entering a store in the nighttime and theft. He was sentenced to serve 2 years in the penitentiary at St. Vincent de Paul, Province of Quebec, Canada.

The beneficiary's wife lived in the United States from birth until shortly after the alien's exclusion from this country on March 30, 1953. She and their children then took up residence in Canada in order to be with and to be supported by Mr. Lavoie. Mrs. Lavoie desires to return to the United States and hopes that her husband may soon be permitted to enter this country for residence. Prior to marriage she worked in a restaurant in Danforth, Maine, but at present is not employed. Her father is deceased; her mother, brother, and sister reside in Maine. She has no assets.

Senator Margaret Chase Smith, the author of the bill, has submitted the following affidavit in connection with the case:

IN THE MATTER OF THE APPLICATION OF GEORGE ROLAND LAVOIE, OF HARVEY STATION, IN THE COUNTY OF YORK AND PROVINCE OF NEW BRUNSWICK, WOODSWORKER, FOR ENTRANCE INTO THE UNITED STATES OF AMERICA

PROVIDENCE OF NEW BRUNSWICK,
County of York, ss:

I, George Roland Lavoie, of Harvey Station, in the county of York and Province of New Brunswick, woodsworker, make oath and say:

1. That on January 27, 1950, at Riviere du Loup, Province of Quebec, I was convicted of breaking, entering, and theft, and sentenced by His Honor Judge Michaud to 2 years' imprisonment in the penitentiary at St. Vincent de Paul, Quebec. Accompanied by one Fabien Dugas I had entered a small store or canteen at Cabano, Quebec, by raising a window, and I took therefrom eight packages of cigarettes only. This was not a dwelling house and entry was made in the nighttime. I have no other criminal record. I was 19 years of age when this offense was committed. I did not serve my whole sentence of 2 years but was released on ticket of leave (parole) bearing date the 3d day of July 1951.

2. In January 1952 I entered the United States of America as an employee of the St. Regis Co., of Bucksport, Maine, the said company supplying the bond necessary for such entry. I was employed by this company as a woodworker until March 1953, when I was laid off due to lack of work. I then secured a 30-day visiting permit from the United States immigration authorities. During this time I was living with my wife at Danforth, Maine. On or about March 30, 1953, I was visited by officers of the United States Immigration Service and at their request voluntarily departed from the United States of America to Canada via Vanceboro, Maine.

3. On the day that I was visited by the United States immigration officers and requested to leave the United States of America I was attending the funeral of my father-in-law, Mancel Gillis, of Danforth, Maine.

4. My late father-in-law, Mancel Gillis, had been a lumber-mill operator in Danforth, Maine, and was so employed at the time of his death in March 1953. Upon the death of my father-in-law, Mancel Gillis, my wife, together with her brothers, became an owner of the lumber mill mentioned above.

5. Since on or about March 30, 1953, the date of my voluntary departure from the United States of America, I have endeavored to secure a visa for residence in the said United States of America but have been refused one because of my former criminal record.

6. I therefore request that, in view of the trifling nature of the offense mentioned above, I be granted a visa for entry into the United States of America.

GEORGE ROLAND LAVOIE.

Sworn to at the city of Fredericton, in the county of York and Province of New Brunswick, Canada, this 17th day of January A. D. 1955, before me, Charles F. Tweeddale, a notary public in and for the Province of New Brunswick, duly appointed, commissioned and sworn, residing and practicing at the city of Fredericton, in the county of York and Province of New Brunswick.

In testimony whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written at the city of Fredericton aforesaid.

[SEAL]

CHARLES F. TWEEDDALE,

Notary Public in and for the Province of New Brunswick.

Katharine Lajimodiere, nee Schneeberger—S. 1118, by Senator Langer

The beneficiary of the bill is a 30-year-old native and citizen of Germany who was married on May 7, 1955, to a United States citizen member of our Armed Forces. She presently resides in Munich, Germany. Her husband is stationed in Minneapolis, Minn. The beneficiary was refused a visa because of 3 convictions for theft, 2 in 1945 and 1 in 1949. Without the waiver provided for in the bill, she will be unable to enter the United States to join her husband.

A letter, with attached memorandum, dated July 12, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill, reads as follows:

DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., July 12, 1955.

HON. HARLEY M. KILGORE,
*Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.*

DEAR SENATOR: In response to your request for a report relative to the bill (S. 1118) for the relief of Katharine Schneeberger, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the St. Paul, Minn., office of this Service, which has custody of those files. According to the records of this Service, the correct name of the beneficiary, since her recent marriage, is Katharine Lajimodiere.

The bill provides that the beneficiary shall be considered to have been lawfully admitted to the United States for permanent residence as of the date of its enactment, upon payment of the required visa fee. It further provides for the deduction of one quota number from the appropriate quota for the first year that such quota is available.

The bill apparently is intended to provide for the issuance of an immigrant visa to the beneficiary notwithstanding the quota limitations of the Immigration and Nationality Act. However, it is drawn in a form that is usually used for beneficiaries who are residing in the United States.

It appears that the beneficiary is eligible to nonquota status and, if otherwise qualified, able to obtain a nonquota immigrant visa.

Sincerely,

_____, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION
SERVICE FILES RE KATHARINE SCHNEEBERGER, BENEFICIARY OF S. 1118

The beneficiary, Katharine Schneeberger, now Katharine Lajimodiere, a native and citizen of Germany, was born on March 11, 1925. She was married on May 7, 1955, and is presently residing at Ulflasstr 38, bei Soller, Waldperlach, bei Munich, Germany.

The beneficiary is unemployed. She is a high-school graduate. Her income amounts to \$50 per month sent by her husband, and about \$25 per month contributed by her parents. She has no assets except a \$15,000 equity in her family estate in Germany. Her parents and a brother reside in Germany. The beneficiary has always resided in Germany and was a waitress from 1938 to 1952.

Information has been received that the beneficiary was denied an immigrant visa by the American consul at Munich, Germany, because of convictions for theft in 1945 and 1949. The committee may desire to make inquiry of the Visa Office of the Department of State for further information in this connection.

Information concerning the beneficiary was furnished by the husband and sponsor of the bill, Sgt. Ernest D. Lajimodiere, AF17300933, who is presently stationed at 514th Air Defense Group, Minneapolis, Minn. Mr. Lajimodiere was born on January 11, 1925, at Olga, N. Dak., and has served in the United States Air Force since January 1951. His civilian occupation was that of a waiter.

Senator William Langer, the author of the bill, has submitted a number of letters and documents in connection with the case, among which are the following letters:

317TH MAINTENANCE SQUADRON,
APO 13, USAF,
September 20, 1954.

Hon. Senator WILLIAM LANGER,
United States Senate, Washington, D. C.

HON. SENATOR LANGER: In answer to your fine letter dated September 13, 1954, which informed me of the progress that you had made in behalf of my fiance Miss Schneeberger. I am deeply grateful to you for your time and effort expended in helping me process my marriage papers.

My fiance and I went to the German courts this morning along with the assistance of her attorney; it will be possible for the German courts to have her police record completely finished and will be cleared with the German courts so it will not prevent her from entering the United States. Her attorney said that she will be able to pick up her police clearance on Wednesday of this week and then my fiance could immediately contact the consulate authorities for a reevaluation of her admissibility to the United States.

As soon as my fiance receives her police clearance and reevaluation from the consulate authorities which will be this week I will have our group commander contact the proper authorities through military channels in order to discover the status of my marriage papers at Headquarters, 12th Air Force. I have already contacted the base air inspector to help me find out the status of my marriage papers and he has already begun investigating the undue delay of the papers. I have not been able to contact the consulate authorities because my fiance did not have her court completed so it was useless to have them work on her paperwork but as soon as the Attorney gives her the necessary clearance I will personally take my fiance to the consulate for another interview.

I will call up the fiance section at the consulate tomorrow in regard to the new law which you mentioned in your letter, it would be a great help in processing my fiance's visa.

Again thanking you kindly for your help.

Sincerely,

ERNST D. LAJIMODIERE.

317TH MAINTENANCE SQUADRON,
APO 13, USAF,
October 24, 1954.

Hon. Senator WILLIAM LANGER,
United States Senate, Washington, D. C.

DEAR SENATOR LANGER: First I wish to acknowledge your recent letter and I appreciate your thoughtful consideration shown toward me in helping me arrange my personal matters in regard to marriage to Miss Schneeberger.

I am still unable to get married because my fiance Miss Schneeberger does not possess all her necessary documents from the German courts, but our attorney has assured us that we will have all the courts and documents completed by this week so we can immediately have them evaluated by the consulate general in Munich. My fiance, the attorney, and I were granted an interview with the visa consul and he informed the attorney that when the German courts released the court proceedings in behalf of my fiance that they would issue her a favorable statement and a visa which would make it possible for us to be married.

I am again appealing to you for further help it will now be necessary for me to extend my overseas tour therefore I have submitted my request for a 30 days' extension results of which have not been returned, although I am gravely concerned about getting this extension which would allow me sufficient time in completing the paperwork and legal affairs before being returned to the Zone of Interior. I have tried to extend my overseas tour 1 year and then reenlisting to fill my own vacancy, but it has been turned down because I have already received my stateside assignment which prevents me from remaining another year over here. My fiance is encountering a difficult pregnancy and traveling such a great distance would be extremely strenuous for her so if I could obtain a year's extension of my overseas tour the baby could be born over here and then would be old enough to travel without any trouble. Would it be possible for you to contact Headquarters, USAF, and find out if it could be possible for me to be granted a year's extension of my overseas tour. With the pending regulation pertaining to marriage of German nationals there would not be any impediment if I remained here another year. My paperwork for a 30-day extension has been forwarded to Headquarters, Twelfth Air Force, APO 12, USAF, for final approval and if it is disapproved I will be forced to leave here immediately because I have already completed my overseas tour and also was granted a 90-day extension which will expire this month. If you could also further contact that headquarters in my behalf perhaps I would be able to be granted this badly needed extension.

Thanking you once more for your kind help.

Sincerely yours,

ERNST LAJIMODIERE.

514TH AIR DEFENSE GROUP,
Minneapolis, Minn., February 12, 1955.

Senator WILLIAM LANGER,
United States Senate, Washington, D. C.

HON. SENATOR LANGER: I am again writing to you reference my fiance Katherina Schneeberger, presently residing at 38 Ulflosstr, Waldpulich, Germany, my problem is as follows: I had written to her to register with the American consulate in Munich, so she could come over here under the German immigration quota and that she did as I had directed her to do, but when she asked the American authorities to help her at the consulate she was treated in an indifferent and cold manner.

In fact she has written to me recently and informed me that due to this incident at the consulate she almost had a miscarriage because her nerves were so shaken up that she was bedridden for sometime. Is there some way that you could kindly calm down those consulate authorities to treat people like human beings because I was also given the same consideration when I was stationed in Munich. I would not have written to you about this matter, but we almost lost our child due to this unnecessary negative attitude of some individuals. I will appreciate any help on your part just so that it is possible for my fiance and I to be united.

Thanking you kindly for your consideration and help.

Sincerely yours,

ERNEST LAJIMODIERE.

Luigi Cardone—S. 1218, by Senator Dirksen

The beneficiary of the bill is a 29-year-old native and citizen of Italy who has never been in the United States and who is the husband of a legal resident alien of the United States. The wife has been contributing to the beneficiary's support and to their two children's support. She resides in Chicago, Ill. where she is employed as a machine operator. The beneficiary was convicted in Italy on August 21, 1944 of removing and concealing 13 sacks of wheat from a railroad

car while he was employed by the railroad. He was sentenced to 2 years imprisonment and fined 2,000 lira. The sentence was suspended and he continued his employment with the railroad until his position was claimed by an ex-serviceman. The beneficiary served in the Italian Army for about 1 year in 1948 and 1949. Without the waiver provided for in the bill, he will be unable to bring the two children to the United States to join his wife.

A letter, with attached memorandum, dated June 16, 1955 to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE.
Washington, D. C., June 16, 1955.

Hon. HARLEY M. KILGORE,
*Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.*

DEAR SENATOR: In response to your request of the Department of Justice for a report relative to the bill (S. 1218) for the relief of Luigi Cardone and his two minor children, Vita Cardone and Diomedio Cardone, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Chicago office of this Service, which has custody of those files.

The bill is intended to waive the quota limitations of the Immigration and Nationality Act and permit the beneficiaries' entry into the United States for permanent residence if they are found otherwise admissible. It directs that the required numbers be deducted from the appropriate quota. In addition, the bill, in the case of Luigi Cardone, would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been convicted of, or who admit the commission of, crimes involving moral turpitude. This waiver would apply only to grounds for exclusion known to the Secretary of State or the Attorney General prior to the enactment of this act.

The beneficiaries are chargeable to the quota of Italy.

Sincerely,

_____, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE LUIGI CARDONE AND HIS TWO MINOR CHILDREN, VITA CARDONE AND DIAMEDIO CARDONE, BENEFICIARIES OF S. 1218

The beneficiaries, Luigi Cardone and his two minor children, Vita and Diamedio Cardone, natives and citizens of Italy, were born on May 26, 1926, October 27, 1947, and November 17, 1949, respectively. Luigi Cardone is married to Maria Gaetana Cardone, the mother of the minor beneficiaries and the sponsor of the bill. She resides at 1029 South Racine Avenue, Chicago, Ill. The beneficiaries reside at Via Gorizia No. 61, Ceglie Del Campo, Bari, Italy.

Luigi Cardone, the adult beneficiary, has had the equivalent of a high school education in Italy. He is presently employed as a cement finisher at a wage of about \$10 a week. Vita Cardone is presently attending her first year of school. The beneficiaries have no assets, and are partially supported by the sponsor who sends them about \$30 a month. The only other close relatives of the beneficiaries are Luigi Cardone's mother, father, 3 brothers, and 3 sisters, all of whom reside in Italy.

The beneficiaries have never been in the United States. A petition for the issuance of immigrant visas to the beneficiaries filed by the sponsor, was approved March 11, 1954. The adult beneficiary was refused an immigrant visa by American consul in Naples, Italy, because of his conviction on August 21, 1944, of a crime involving moral turpitude. According to the sponsor, this offense consisted of her husband's removing and concealing 13 sacks of wheat from a railroad car while he was employed by the railroad. He was sentenced to 2 years' imprisonment and fined 2,000 lira. Sentence was suspended and he continued his employment with the railroad until his position was claimed by an ex-serviceman. The

committee may desire to make inquiry from the Visa Office of the Department of State for further information in this connection.

The adult beneficiary served in the Italian Army for about 1 year in 1948 and 1949.

The sponsor, Maria Gaetana Cardone, wife of the adult beneficiary, native and citizen of Italy, was born September 12, 1927. She was admitted to the United States for permanent residence June 16, 1952, and has been employed as a machine operator since July 1953 by the Blackstone Co., Chicago, Ill., at a salary of \$50 a week.

Senator Everett McKinley Dirksen, the author of the bill, has submitted a number of letters and documents in support of the bill, among which is the following letter:

SPATUZZA & SPATUZZA

ATTORNEYS AT LAW

CHICAGO, ILL., February 15, 1955.

HON. EVERETT M. DIRKSEN,

United States Senator, Senate Office Building,
Washington, D. C.

MY DEAR SENATOR: I would appreciate it immensely if you will be kind enough to give the herein below request your kind consideration.

Mrs. Maria Gaetana Cardone is a resident of Chicago, Ill. She was born in Italy while her father was a citizen of the United States and here residing prior to her birth. Her father returned to Italy, and due to his long stay there, expatriated himself. (He has since returned to America.) She came to this country on the 16th day of June 1952, leaving behind her husband and two minor children, for the purpose of acquiring her American citizenship in accordance with section 318 (b) of the Nationality Act of 1940, and after acquiring such citizenship, to petition for visas for her husband and minor children as nonquota immigrants, by virtue of her American citizenship.

Under our laws, as I understand, for Mrs. Cardone to acquire her American citizenship all that she had to do was to register with the Immigration and Naturalization Department as soon as she entered the United States, but before reaching her 25th birthday.

Immediately after Mrs. Cardone reached Chicago, which was a few days after July 16, 1952, not knowing her way around, she went to the office of a notary public, and there she was told that it was not necessary to register, inasmuch as she was an American citizen. The man in charge did, however, prepare some kind of a document, which she signed, and was sent to some department in Washington. The department, as I understand, returned said document, with instructions to apply to the Immigration and Naturalization Department at Chicago. But, said document was not returned to her until after September 12, 1952, on which date she reached her 25th birthday, she having been born September 12, 1927. She immediately, on September 20, 1952, applied to the Immigration and Naturalization Department in Chicago, and there she was told that she could not acquire United States citizenship pursuant to the section above mentioned, inasmuch as she had already reached her 25th birthday 8 days before she appeared for registration.

Not having acquired her American citizenship, her application (Form I 133) for visas for her husband and her two minor alien children, as nonquota immigrants, was denied.

All of the above might not have been necessary to relate, but I wanted to furnish you with a complete history of the case. The above, coupled with the following, which is more pertinent to the request that I am making, will give you a complete picture of the case.

After the denial of the application for visas, Mrs. Cardone filed application for visas for her husband and her two minor alien children, not in the capacity of an American citizen but as a permanent alien resident. The application was approved and transmitted by the Department of State to the American consul, at Naples, Italy.

The American consul at Naples, Italy, under date of July 19, 1954, notified Luigi Cardone, the husband of Mrs. Cardone, to the effect that he was ineligible to receive visa, as he came under section 12 (a) (9) of the recent Immigration and Naturalization Act, which refers to persons convicted of a crime involving moral turpitude.

The consul was asked to reconsider the case in view of section 4 of Public Law 770, 83d Congress, Chapter 1254, 2d session, approved September 3, 1954, which provides:

"SEC. 4. Any alien who is excludable because of the conviction of a misdemeanor classifiable as a petty offense under the provisions of Section 1 (3) of title 18, United States Code, by reason of the punishment actually imposed, or who is excludable as one who admits the commission of such misdemeanor, may hereafter be granted a visa and admitted to the United States, if otherwise admissible: *Provided*, that the alien has committed only one such offense."

The consul was kind enough to reconsider the matter, and under date of February 1, 1955, notified Mrs. Cardone to the effect that, after a reexamination, he concluded that nothing appeared in said law to cause any change in his previous decision denying the issuance of a visa to him.

Thus the matter stands, Mrs. Cardone in Chicago, her father, mother, and all her brothers and sisters are also here, and her husband and children are in Italy. Of even date herewith, I am writing to the consul asking him to be kind enough to issue visas for the children, whose names and ages are as follows: Vita Cardone, 7 years of age, and Diomedio Cardone, 5 years of age, so that the children could join their mother and be given the motherly love and care justly due them. I do hope that the consul may see fit to do so. If he does, the question of the husband, who is also the father of the children, remains unsolved unless something can be done in his behalf.

Luigi Cardone, the husband was sentenced by the tribunal of Taranto, Italy, to 2 years and a fine of 2,000 liras. The sentence was pronounced in August 21, 1944 (he was then 18 years and 2 months of age). The sentence was appealed. The appeal came up on April 14, 1950. (He was then 24 years of age), and the sentence was affirmed. The execution of the sentence was, however, suspended so that no time whatsoever was served. It is to be noted that Luigi Cardone continued to work at the same job even though he had been sentenced up to the time the jobs with the railroads, where he was employed, were distributed among those who had served in the armed forces of that country.

From what I can gather from the translation of the certified copy of the sentence, both of which are herein enclosed, Luigi Cardone was a member of the crew (brakeman), of a freight train; that said train was stopped when en route to its destination and from a car, which was loaded with sacks of wheat, 13 sacks of wheat were unloaded by the chief of section of the Southern Railroad, with the help of others, and presumably with the knowledge of other defendants; that the sacks of wheat were transported and concealed in a country house of one of the defendants and distributed and sold to several purchasers. The defendants were 10 in number, including, besides Cardone, the chief of the section of the Southern Railroads, the engineer, the fireman, the conductor, and the receivers or the purchasers of the stolen goods.

Under the circumstances, I was wondering, my dear Senator, if something could be done in the matter, so that their family could be united in this country and live together. I earnestly believe that it is a meritorious case, deserving just consideration. Far be it for me to advocate the admission into this country of criminals, but I cannot say that the young man in question could be so classified, even though legally he stands convicted of a crime. We must consider, however, the age when the crime was committed (he was then but 18 years of age), under whose influence he must have been, for the record shows that the chief of the section of the railroad, a man of greater authority, who was much older than he was, unloaded the sacks of wheat; we must also consider the state of war, conditions of which caused many to commit crimes to provide food for their dear ones, and also the fact that even after he was sentenced, he was permitted to continue to work in the same job and finally, that the sentence imposed on him was suspended.

I am of the opinion that if you would be kind enough to intrude a special bill and secure its passage and the approval of the President directing the American consul to issue the necessary visa on behalf of Luigi Cardone and the above named children, that the end sought would be accomplished. I ask you to kindly do so.

May I hear from you in this regard?

With kindest personal regards, I am

Sincerely,

GEORGE J. SPATUZZA

Ingeburg Edith Stallings, nee Nitzki—S. 1357, by Senator George (H. R. 5452, by Mr. Flynt)

The beneficiary of the bill is a 30-year-old native and citizen of Germany who is married to a United States citizen member of our Armed Forces. The couple has a 3-year-old citizen child born prior to their marriage in September 1954. The beneficiary was unable to obtain a visa because she was arrested and convicted in 1947 in Germany for failing to comply with German Government regulations on the posting of ration stamps when meat was sold. She worked in her father's butcher shop and failed to post some of the ration stamps she took in. Without the waiver provided for in the bill, she will be unable to enter the United States to make her home.

A letter, with attached memorandum, dated July 14, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D. C., July 14, 1955.

HON. HARLEY M. KILGORE,
*Chairman, Committee on the Judiciary,
United States Senate, Washington, D. C.*

DEAR SENATOR: In response to your request for a report relative to the bill (S. 1357) for the relief of Ingeburg Edith Stallings (nee Nitzki), there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Atlanta, Ga., office of this Service which has custody of those files.

The bill would authorize the beneficiary's lawful admission to the United States for permanent residence, notwithstanding the excluding provisions of section 212 (a) (9) of the Immigration and Nationality Act with respect to her conviction of a crime involving moral turpitude, providing she is found to be otherwise admissible. The bill would further provide that the exemption granted shall be limited to grounds of which the Secretary of State or the Attorney General has knowledge prior to its enactment.

Sincerely,

_____, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE INEBURG EDITH STALLINGS (NEE NITZKI), BENEFICIARY OF S. 1357

The beneficiary was born in Berlin, Germany, on May 1, 1925, and is a citizen of that country. She resides in Germany and has never been in the United States. Information concerning her was furnished by her husband, Carlton B. Stallings, a staff sergeant serving with the 3440 Military Police Company at Fort Benning, Ga.

Sergeant Stallings stated that he met the beneficiary while he was serving with the United States Army in Germany during June of 1950. Shortly after meeting they started living together as man and wife as a result of which relationship they had one child who was born on October 14, 1951, in Berlin, Germany. During September of 1954 Sergeant Stallings legally married the beneficiary and thereby legitimated the child. Sergeant Stallings stated that his wife was arrested and convicted in Berlin, Germany, some time during the year of 1947 on one charge of fraud (hoax) against the Government, and received and served a sentence of 8 months. The fraud mentioned was stated to have involved the selling of food-stuffs to individuals without posting the necessary rationing stamps. Food was sold by the beneficiary's father, and it was the beneficiary's job to post the stamps at the end of each day. During the course of a routine Government inspection a shortage was noticed and the beneficiary so charged. The beneficiary's father allegedly confessed to Sergeant Stallings that he was, in fact, the guilty party, and his daughter was innocent of any charges against her.

The beneficiary is presently unemployed and completely dependent upon her husband for support. Prior to the birth of her child she was employed as a clerk in a grocery store in Berlin, Germany.

Sergeant Stallings is a career soldier, having been in the Armed Forces of the United States since 1938.

Senator Walter F. George, the author of the bill, has submitted a number of letters and documents in support of the bill, among which are the following:

THOMASTON, GA., February 21, 1955.

Senator WALTER F. GEORGE,
Senate Office Building, Washington, D. C.

DEAR SENATOR GEORGE: In reference to your letter of February 17, as to the application of a nonquota visa for my wife.

I think that if you would contact the State Department and have them to forward to you the record of investigation of her from their Berlin office, it would give you any and all the information that you need.

She was convicted of frauding the government in 1947, in that she didn't have enough ration stamps to cover the amount of meat that had been sold in her father's store, and rather than take the blame himself as he should have done, he placed it on her, since she did all the posting of the stamps. That was the only thing found against her in the State Department investigation of her.

With the deepest of appreciation, I remain,

Sincerely yours,

CARLTON B. STALLINGS.

THOMASTON, GA., January 29, 1955.

Senator WALTER F. GEORGE,
Senate Office Building, Washington, D. C.

DEAR SENATOR GEORGE: In reply to your letter of January 14, I am enclosing all the official documents that I have on hand. Unfortunately they are in German, and I wanted to get them translated to English before forwarding to you. Due to circumstances that couldn't be accomplished up to the present time, possibly you could have this done in your office.

I appreciate what you are doing for me, and any other information you may need, write me at 147 S Street, Thomaston, Ga.

Sincerely yours,

CARLTON B. STALLINGS.

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LEGISLATIVE REFERENCE SERVICE,
Washington, D. C.

[Translation (German)]

MARRIAGE CERTIFICATE

Registry of Vital Statistics, Berlin-Zehlendorf, No. 811

Carlton Bramblett Stallings, painter, born on February 29, 1920, at Meansville, Ga. (no documentary proof), residing at 147 S Street, Thomaston, Ga., and Ingeburg Edith Nitzki, sales clerk, born on May 1, 1925, at Berlin (Registry of Vital Statistics No. 5a, now Berlin-Breuzberg, No. 210), residing at Schmarje-strasse 15, Berlin-Zehlendorf, contracted marriage on September 18, 1954, at the Registry of Vital Statistics of Berlin-Zehlendorf.

Berlin-Dahlem, September 18, 1954.

[Signature illegible]

(For the Registrar of Vital Statistics).

Translated by Elizabeth Hanunian, February 7, 1955.

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LEGISLATIVE REFERENCE SERVICE,
Washington, D. C.

[Translation (German)]

BIRTH CERTIFICATE

Registry of Vital Statistics, Berlin-Steglitz, No. 1126/1951

Ronald Stanley Stallings was born on October 14, 1951, in the Rittberg Hospital at Berlin-Lichterfelde.

Father: Carlton Bramblett Stallings, painter, residing at 147 S Street, Thomaston, Ga., United States of America.

Mother: Ingeburg Edith Stallings, nee Nitzki, residing at Schmarjestrass 15, Berlin-Zehlendorf.

Berlin-Lichterfelde, November 20, 1954.

ZUG

(For the Registrar of Vital Statistics).

Translated by Elizabeth Hanunian, February 7, 1955.

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Washington, D. C.

[Translation (German)]

Amtsgericht Lichterfelde, 6 VII. 18869

RESOLUTION

In the guardianship case re Ronald Stanley, illegitimate son of Ingeborg Edith Nitzki, sales clerk, born on October 14, 1951, in Berlin, as per Register of Births, No. 1125/1951, of the Register of Vital Statistics of Berlin-Steglitz, it was established that the ward, according to paragraph 1719 of the Civil Code, acquired the legal status of a legitimate child by virtue of the fact that his father, Carlton Bramblett Stallings, painter, residing at 147 S Street, Thomaston, Ga., United States of America, Protestant, contracted marriage with the child's mother on September 18, 1954, at the Registry of Vital Statistics of Berlin-Zehlendorf (Family Register No. 811/54).

Insertion of this fact into the margin of the birth certificate has been ordered.

Berlin-Lichterfelde, October 6, 1954.

Amstgericht Lichterfelde, section 6.

(Signed) BRODNITZ, AMSTGERICHTSRAT, Judge.
Issued by: [Signature Illegible],
Clerk of the Court.

Translated by Elizabeth Hanunian, February 7, 1955.

Hilde Schiller—S. 1615, by Senator Lehman

The beneficiary of the bill is a 32-year-old native and citizen of Germany who is married to a United States citizen member of our Armed Forces now stationed at Aberdeen Proving Ground, Md. She has never been in the United States. The couple were married in Hamburg, Germany, in 1953 and are the parents of a child who lives with the mother. The beneficiary was convicted in 1946 of taking an assumed name after the war in order to avoid possible prosecution for her Nazi Party activities. A carnival offered her a job, then falsely accused her of stealing the money he had previously paid her as wages. She was also convicted in 1952 for pawning a coat which she had purchased on the installment plan. When she lost her job she became hungry and desperate and needed the money.

A letter, with attached memorandum, dated June 20, 1955, to the chairman of the Senate Committee on the Judiciary from the Commissioner of the Immigration and Naturalization Service with reference to the bill reads as follows:

UNITED STATES DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington 25, D. C., June 20, 1955.

HON. HARLEY M. KILGORE,
Chairman, Committee on the Judiciary,
United States Senate, Washington 25, D. C.

DEAR SENATOR: In response to your request for a report relative to the bill (S. 1615) for the relief of Hilde Schiller, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Baltimore, Md., office of this Service, which has custody of those files.

The bill would waive the provisions of section 212 (a) (9) and (10) of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been convicted of a crime involving moral turpitude and aliens who have been convicted of two or more offenses for which the aggregate sentences actually imposed were 5 years or more and would permit the beneficiary to enter the United States for permanent residence if she is found to be otherwise admissible. The bill further provides that the exemption from the excluding provisions of the Immigration and Nationality Act shall apply only to grounds for exclusion of which the Secretary of State or the Attorney General has knowledge prior to the enactment of this act.

As the spouse of a United States citizen, the beneficiary would be entitled to nonquota status in the issuance of an immigrant visa.

Sincerely,

_____, Commissioner.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION
SERVICE FILES RE HILDE SCHILLER, BENEFICIARY OF S. 1615

Information concerning the beneficiary was furnished by her husband, Pvt. Charles Joseph Schiller, who is a member of the United States Army stationed at the Aberdeen Proving Ground, Md.

The beneficiary was born in Hamburg, Germany, on July 2, 1923. She was a nurse's aid and attended school in Germany for 10 years. She has never been in the United States. Her parents reside in Germany. She married Pvt. Charles Joseph Schiller on August 15, 1953, at Hamburg, Germany. One child, Cynthia, was born to this couple on December 12, 1953, at Hamburg, Germany. The beneficiary presently resides with her child at Bottcherkanz, 131, Luruy, Hamburg, Germany. She is unemployed and is supported by her husband.

Pvt. Charles Joseph Schiller was born at Brooklyn, N. Y., on December 30, 1921. He served as a member of the United States Armed Forces from September 1939 to October 1945. From 1946 to 1947 he was employed at the St. Albans Naval Hospital, Long Island, N. Y., as a porter at a salary of \$2,184 per year. He reenlisted in the United States Army in January 1948. While serving in Germany, he met the beneficiary. He was discharged in February 1953 and returned to Germany in August 1953, at which time he married the beneficiary. He returned to the United States and again enlisted in the United States Army on November 20, 1954. He is presently serving as a private at the Aberdeen Proving Ground, Md.

Pvt. Charles Joseph Schiller states that the beneficiary was a political prisoner of the British authorities and although he was not certain of the charge lodged against her, he believes it was because she was associated with the German Storm Troopers.

The committee may wish to communicate with the Bureau of Security and Consular Affairs of the Department of State for additional information concerning the beneficiary.

A letter dated June 2, 1954, to Senator Lehman from the Director of the Visa Office, United States Department of State, reads as follows:

DEPARTMENT OF STATE,
Washington, D. C., June 2, 1954.

HON. HERBERT H. LEHMAN,
United States Senate.
(Attention of Miss Schneider.)

DEAR SENATOR LEHMAN: Reference is made to my letter of May 14, 1954, relative to the case of Mrs. Hilde Schiller.

A communication dated May 19, 1954, from the American consulate general at Hamburg reports that the court records concerning Mrs. Schillers' convictions

have been requested, but have not yet been received. According to excerpts from the report of the German state's attorney, Mrs. Schiller was convicted as follows:

(1) Amtsgericht Heide, October 23, 1946; because of continued, indirect, false documentary authentication; because of continued use of an untrue public document and because of embezzlement; under paragraphs 271, 272, 246, 73, and 74 of the German Criminal Code; Sentence: 4 months' imprisonment, including 3 weeks' arrest during investigation.

(2) Amtsgericht Speyer, August 2, 1952; because of embezzlement; under paragraph 246 of the German Criminal Code; Sentence: 100-deutschemark fine or 20 days' imprisonment.

The crime of embezzlement has been held to involve moral turpitude within the meaning of section 212 (a) (9) of the Immigration and Nationality Act, which renders ineligible to receive visas and excludable from the United States aliens who have been convicted of or admit having committed a crime involving moral turpitude. As a consequence, the responsible consular officer would have no choice under the law but to continue to withhold the issuance of an immigrant visa to Mrs. Schiller.

Sincerely yours,

EDWARD S. MANEY, *Director, Visa Office.*

Senator Herbert H. Lehman, the author of the bill, has submitted a number of letters and documents in connection with the case, among which are the following:

AFFIDAVIT

I, Charles J. Schiller, enlisted private, first class, 20262243, in the United States Army and presently with the TSU, ORTC 7399 at the Aberdeen Proving Ground in Maryland, herewith respectfully seek relief through the United States Senate Judiciary Committee to review my case and pass private legislation to bring my wife and infant daughter to the United States of America. I depose and state that—

1. I married Hilde Hein who is presently residing in Hamburg-Luruz, Stueckweg, c/o Mutling, on August 15, 1953, in Hamburg, Germany. She is a German citizen and was born on July 2, 1923, in Hamburg-Altona. I completely support my wife and daughter Cynthia who was born on December 12, 1953, in Hamburg, Germany.

2. The petition for preference immigration visa for my wife, Hilde Schiller, nee Hein, was approved VP 3-38967 and forwarded to the Department of State for transmission to the American consul in Hamburg according to a letter dated October 13, 1953, from the Immigration and Naturalization Service.

3. Hilde Schiller was subsequently denied a United States visa on the grounds that she had been convicted and found guilty of an offense in postwar Germany. As a member of the SS she was taken into custody at the close of the war and assumed another name to avoid embarrassing publicity and involving her parents unnecessarily in a distasteful affair. When this was discovered she was found guilty of perjury and given 4 months' prison. Only her deep concern and loving anxiety for her family brought this about.

4. Hilde Schiller loves and admires the country of my birth, and it is our sincerest and deepest wish that our child Cynthia be brought up as an American, an American among American institutions, American thought, and American culture. However, I cannot ask my wife and the mother of my child to give up our daughter. The separation of mother from infant would be too great a hardship and too detrimental to the welfare of the child. A child needs the loving care of its natural mother for physical and mental well-being and normal, healthy development.

5. Hilde Schiller does not belong to nor does she endorse any organization which might be interpreted or alleged to be injurious to the American public interest.

6. I most humbly and respectfully ask the United States Senate Judiciary Committee to grant me private legislation so that our family group will not be destroyed and that I will have a daughter and my child a mother.

7. I am a veteran of the United States Army and my service record is as follows:
(a) I enlisted into the United States Army at the age of 17 years on March 20, 1939, and went into active service on September 16, 1940.

(b) On November 26, 1943, I left the United States for the Canal Zone and served in the Canal Zone until my return to the United States on October 5, 1945. I was honorably discharged on October 12, 1945, from Fort Dix, N. J., with the rating of corporal.

(c) In 1947 I reenlisted in the United States Army for another 5 years and saw active service on January 8, 1948. I was sent to Okinawa for a period of about 14 months and then spent 18 months in Germany.

(d) On February 28, 1953, I received an honorable discharge at Camp Kilmer, N. J.

(e) I reenlisted into the United States Army on November 28, 1953.

(f) I am a holder of the American Defense Service Medal, the American Service Medal, the Good Conduct Medal and the Occupation Medal (Germany).

CHARLES J. SCHILLER.

Subscribed and sworn to before me at Headquarters, Aberdeen Proving Ground, Md., this 22d day of March 1954.

LOUIS A. BRIZZOLARA,
Assistant Adjutant.

NATIONAL CATHOLIC WELFARE CONFERENCE,
Washington 5, D. C., February 17, 1955.

Senator HERBERT H. LEHMAN,
*Senate Office Building,
The Capitol, Washington, D. C.*

DEAR SENATOR LEHMAN: Having been informed by Pvt. Charles J. Schiller, now serving with the United States Army at the Aberdeen Proving Ground, Md. relative to the difficulty he is having in bringing his wife and child to the United States from Germany, and, after having discussed the case with Mrs. Ruth Schneider of your office, we are providing herein such facts as contained in our file which dates from June 1, 1954, when we were first informed of this young man's trouble.

It seems that his wife, Mrs. Hilde Schiller, with address Luruy-Hamburg, Stuckweg 17, Germany, has been refused a visa by the American consul based on convictions of embezzlement. Due to the fact that two separate offenses were involved, the wife cannot benefit by the relief granted under Public Law 770 of the 83d Congress.

The situation has been discussed, with the American consul by our representative in Hamburg, but he finds that the consul is not able to act because of the 2 convictions, 1 on October 23, 1946, and the other on August 2, 1952. The second conviction is said to have been without a court hearing and thus has brought some doubt as to the seriousness of the offense. The first offense relates to the purchase of a fur coat on credit for which Mrs. Schiller deposited DM90. Having pawned the coat, because she needed money, she was notified of the court decision a month later and fined. Under the conditions existing in Germany in 1946, one can readily understand how a person, living under distressing circumstances, might have engaged in such an unethical practice and the fact that there was a 6-year interval between the 2 offenses, certainly is evidence that she was not addicted to committing civil offenses.

Our relations with the husband have enlisted our deep sympathy, and we welcome this opportunity of recommending the introduction of a private bill. His returning to Germany in August 1953, in order to marry his wife who was then pregnant, is definitely a proof of his attachment to the mother of his child and his responsibility to both her and his expected offspring. He readily admits his guilty association before the marriage, this again being a proof of his character and appreciation of the moral aspect of the case. All of those, to whom we have referred for information and action, have a deep sympathy in the case and are hoping that the family may soon be reunited in the United States, this, of course, only to become possible through the passage of private legislation.

Hoping that our letter will be somewhat helpful and that you will find it possible to introduce a measure that will solve the difficulty, I remain, with sentiments of esteem and good wishes,

Very respectfully yours,

BRUCE M. MOHLER,
Director, Department of Immigration.

[Translation (German)]

PINNEBERG/H., February 2, 1954.

DEAR SENATOR LEHMAN: Dispensing with all formalities, a German mother is asking you to do her a favor.

Please help my daughter Hilde, who married an American soldier, Charles Schiller, 6 months ago and who has a baby from him, so that she may join her husband in America and get her visa. My daughter had a very difficult time when she gave birth to her child, and is suffering terribly due to the separation from her husband. She is mentally depressed and will become seriously ill unless circumstances change soon. Since I lost my beautiful apartment during the war, in 1943, and now only have a tiny room here at Pinneberg, I am unfortunately in no position of taking in my child and granddaughter. Furthermore, I am all alone and have been unemployed for the past 4 years, and I must live on a weekly relief payment of DM11.10 plus rental allowance. I don't know, dear Mr. Senator, if you realize what that means for a person here in Germany. Thus, I can do only very little for my daughter and her child, who are forced to live with strangers in Hamburg-Lurup in a tiny garret, which is drafty and unhealthy and which is, besides, used by the owners [of the place] as a living room, where they smoke and nobody takes little Zinthia's health into consideration. My daughter, in good faith that she would soon be able to go to America to join her husband, has sent her clothes to her parents-in-law in Brooklyn, and now she doesn't know what to do [about clothes]. It hurts me, as her mother, to see her pining away—my daughter who has always been so smart and intelligent—and being eaten up by grief, inasmuch as her parents-in-law in Brooklyn are well off and would receive her and her child with open arms, and then all her troubles would be over. My son-in-law, too, suffers immeasurably because of his separation from his wife and child, since the young couple have a great affection for one another and their only wish is that they can be together. My daughter Hilde has good principles and is intelligent, and, after all, she did not commit a serious crime which would exclude her from America [forever].

Dear Mr. Senator, I am confidently looking forward to your favorable consideration and beg you, in the interest of my child, to please help us.

Very sincerely yours,

Mrs. ANNE HEIN.

Translated by Elizabeth Hanunian, March 21, 1955.

Upon consideration of all the facts in each case included in this bill, the committee is of the opinion that S. 315, as amended, should be enacted and accordingly recommends that the bill do pass.



